ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

EIGHTEENTH CONGRESS—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

EIGHTEENTH CONGRESS.—FIRST SESSION:
COMPRISING THE PERIOD FROM DECEMBER 1, 1823, TO MAY 27, 1824,
INCLUSIVE.

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PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

Monday, December 1, 1823.

The First Session of the Eighteenth Congress, conformably to the Constitution of the United States, commenced this day at the City of Washington, and the Senate assembled.

PRESENT:

Samuel Bell and John F. Parrott, from New Hampshire.

James Lloyd, from Massachusetts.

Henry W. Edwards and James Lanman, from Connecticut.

Nehemiah R. Knight, from Rhode Island.

William A. Palmer and Horatio Seymour, from Vermont.

Rufus King and Martin Van Buren, from New York.

Mahlon Dickerson and Joseph McIlvaine, from New Jersey.

Walter Lowrie and William Findlay, from Pennsylvania.

Samuel Smith, from Maryland.

James Barbour, from Virginia.

Nathaniel Macon, from North Carolina.

John Gaillard and Robert Y. Hayne, from South Carolina.

John Elliott, from Georgia.

Isham Talbot, from Kentucky.

Benjamin Ruggles, from Ohio.

James Brown and Henry Johnson, from Louisiana.

David Holmes, from Mississippi.

James Noble and Waller Taylor, from Indiana.

Jesse B. Thomas, from Illinois.

John Chandler and John Holmes, from Maine.

David Barton and Thomas H. Benton, from Missouri.

John Gaillard, President *pro tempore*, resumed the Chair.

Samuel Bell, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing on the fourth day of March last; Henry W. Edwards, appointed a Senator by the Executive of the State of Connecticut, in the place of Elijah Boardman, deceased; James Lloyd, appointed a Senator by the Legislature of Massachusetts, for the term of six years, commencing on the fourth day of March last; Joseph McIlvaine, appointed a Senator by the Legislature of the State of New Jersey, to supply the vacancy occasioned by the resignation of Samuel L. Southard; Robert Y. Hayne, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the fourth day of March last; Henry Johnson, appointed a Senator by the Legislature of the State of Louisiana, for the term of six years, commencing on the fourth day of March last; and Jesse B. Thomas, appointed a Senator by the Legislature of the State of Illinois, for the term of six years, commencing on the fourth day of March last,—respectively produced their credentials, which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The credentials of Thomas H. Williams, appointed a Senator by the Legislature of the State of Mississippi, for the term of six years, commencing on the fourth day of March last, were read.

The oath was also administered to Mr. Chandler, Mr. Knight, and Mr. Dickerson—their credentials having been read and filed during the last session.

On motion of Mr. Barbour, it was agreed that when the Senate adjourn, it be to half after one o'clock, P. M.; and, on motion, the Senate adjourned.

Half after one o'clock, P. M.

The usual orders for the appointment of Chaplains; for supplying the members with newspapers; and for the appointment of joint committees on enrolled bills,—were severally passed.

Messrs. Barbour and Macon were appointed a committee, jointly, with such as the House may appoint, to wait upon the President of the United States, and inform him of the organization of the two Houses, and of their readiness to receive any communication from him; and then the Senate adjourned to 11 o'clock to-morrow.

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TUESDAY, December 2.

EDWARD LLOYD, from the State of Maryland; and, also, ETHAN ALLEN BROWN, from the State of Ohio, severally attended.

JOHN BRANCH, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last, produced his credentials, which were read, and the oath prescribed by law was administered to him; and the oath was also administered to Mr. WILLIAMS, whose credentials were read yesterday; and they took their seats in the Senate.

Mr. BARBOUR, of the joint committee appointed to wait upon the PRESIDENT, and inform him of the organization of the two Houses, and their readiness to receive any communication from him, reported, that the Committee had attended to the duties assigned them; and that the President was pleased to say, that he would communicate with the two Houses, by Message, this day.

On motion of Mr. CHANDLER, it was agreed that the Senate will meet at twelve o'clock on each day of its session, until otherwise ordered.

Mr. LANMAN submitted the following resolution for consideration:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he hereby is, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate, which expense shall be paid out of the contingent fund.

The resolution was read twice by unanimous consent, and considered as in Committee of the Whole; and on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

The PRESIDENT communicated a letter from the Secretary of the Senate, with the statements made in obedience to a joint "Resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses," approved March 1st, 1823; which were read.

REVOLUTIONARY PENSIONERS, &c.

The following communications, received from the Secretary of War, were read, and ordered, with the accompanying papers, to be printed:

WAR DEPARTMENT, *December* 1, 1823.

SIR: Agreeably to the resolution of the Senate of the United States, passed on the 1st of March last, directing the Secretary of War to report, during the first week of the present session of Congress, the number of Revolutionary pensioners in each State, at this time on the list, and the amount of money received or receivable in each State, on account of Revolutionary pensioners, I herewith transmit a statement showing the number of such pensioners in each State and Territory of the United States, and the sum receivable annually in each on account of said pensioners.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. J. GAILLARD,
President, pro tem, Senate U S.

Statement of the number of Pensioners, and the sums receivable by them in the several States and Territories, as follows:

Maine	1,208	$123,024
New Hampshire	836	85,584
Massachusetts	1,677	175,680
Connecticut	859	87,504
Rhode Island	245	26,688
Vermont	1,000	102,912
New York	2,948	302,448
New Jersey	423	44,208
Pennsylvania	947	98,688
Delaware	27	2,736
Maryland	222	23,184
Virginia	667	67,200
North Carolina	236	23,520
South Carolina	111	11,232
Georgia	42	4,608
Kentucky	452	46,704
East Tennessee	96	9,504
West Tennessee	111	11,520
Ohio	661	67,776
Louisiana	3	288
Indiana	106	10,464
Illinois	14	1,344
Missouri	7	816
Alabama	9	1,008
Mississippi	8	912
Michigan	8	912
Columbia	38	4,324
Total	13,961	$1,334,788

DEPARTMENT OF WAR,
March 3, 1823.

SIR: In compliance with a resolution of the Senate, directing the "Secretary to inform the Senate of the original amount of a judgment, lately obtained by the United States, in the district court of the Eastern District of Pennsylvania, against Colonel William Duane, and what credits have been allowed to the defendant since the date of the judgment, the dates of such credits, by whom given, and under what authority," I have the honor to transmit, herewith, reports of the Third and Fifth Auditors, which furnish the information required.

I have the honor to be, &c.

J. C. CALHOUN.

To the PRESIDENT *of the Senate U. S.*

The resolution directing the supply of newspapers, having been reported by the committee correctly engrossed, was read a third time, and passed.

PRESIDENT'S MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and
House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our Revolution, when, regarding the condition of the civilized world, and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union, in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that, in this respect, I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, living at home, in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events, and of the conduct of those who are parties to them. To the people, every Department of the Government, and every individual in each, are responsible, and the more full their information, the better they can judge of the wisdom of the policy pursued, and of the conduct of each in regard to it. From their dispassionate judgment, much aid may always be obtained, while their approbation will form the greatest incentive, and most gratifying reward, for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests, in all vital questions, are the same, and the bond by sentiment, as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign Powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it, that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defence. It is by rendering justice to other nations, that we may expect it from them. It is by our ability to resent injuries, and redress wrongs, that we may avoid them.

The Commissioners under the fifth article of the Treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective reports, in compliance with that article, that the same might be referred to the decision of a friendly Power. It being manifest, however, that it would be difficult, if not impossible, for any Power to perform that office, without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere, by legislative acts, while each party pursued its own course, without agreement or concert with the other, a proposal has been made to the British Government to regulate this commerce by treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these and other objects, of high importance to the interests of both parties, a negotiation has been opened with the British Government which, it is hoped, will have a satisfactory result.

The Commissioners under the sixth and seventh articles of the Treaty of Ghent, having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey, required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States, under unjustifiable seizures and confiscations of their property, has not, as yet, had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A Minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the Minister of the Emperor residing here, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.

Since the close of the last session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States, under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg, on the twelfth of July, one thousand eight hundred and twenty-two, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of twenty-second February, one thousand eight hundred and nineteen, between the United States and Spain, is also in session here; and as the term of three years, limited by the treaty for the execution of the trust, will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives, adopted at their last session, instructions have been given to all the Ministers of the United States accredited to the Powers of Europe and America, to propose the proscription of the African slave trade, by classing it under the denomination, and inflicting on its perpetrators the punishment of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from a firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French Government that it would grant no commission to privateers, and that neither the commerce of Spain herself, nor of neutral nations, should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States, from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European Powers. Instructions have accordingly been given to our Ministers with France, Russia, and Great Britain, to make those proposals to their respective Governments; and, when the friends of humanity reflect on the essential amelioration to the condition of the human race, which would result from the abolition of private war on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention, animated by the spirit in which they were made, and that they will ultimately be successful.

The Ministers who were appointed to the Republics of Colombia and Buenos Ayres, during the last session of Congress, proceeded, shortly afterwards, to their destinations. Of their arrival there, official intelligence has not yet been received. The Minister appointed to the Republic of Chili will sail in a few days. An early appointment will also be made to Mexico. A Minister has been received from Colombia, and the other Governments have been informed that Ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The Minister appointed to Spain proceeded, soon after his appointment, for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron, by which it was blockaded, and not permitted to enter, although apprized, by the captain of the frigate, of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France, against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the first of January there was a balance in the Treasury of four millions two hundred and thirty-seven thousand four hundred and twenty-seven dollars and fifty-five cents. From that time to the thirtieth of September, the receipts amounted to upwards of sixteen millions one hundred thousand dollars, and the expenditures to eleven millions four hundred thousand dollars. During the fourth quarter of the year, it is estimated that the receipts will at least equal the expenditures, and that there will remain in the Treasury, on the first day of January next, a surplus of nearly nine millions of dollars.

On the first of January, eighteen hundred and twenty-five, a large amount of the war debt, and a part of the Revolutionary debt, become redeemable. Additional portions of the former will continue to become redeemable, annually, until the year eighteen hundred and thirty-five. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed by the ordinary revenue of those years, during that period, under the provision of the act of March third, eighteen hundred and seventeen, creating the Sinking Fund; and in that case the only part of the debt that will remain, after the year eighteen hundred and thirty-five, will be the seven millions of five per cent. stock subscribed to the Bank of the United States, and the three per cent. Revolutionary debt, amounting to thirteen millions two hundred and ninety-six thousand and ninety-nine dollars and six cents, both of which are redeemable at the pleasure of the Government.

The state of the Army, and its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the fourteenth of April, eighteen hundred and eighteen.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of the year; that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The Board of Engineers, and the Topographical corps, have been in constant and active service, in surveying the coast, and projecting the works necessary for its defence.

The Military Academy has attained a degree of perfection in its discipline and instruction, equal, it is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance department has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the Western waters for the location of a site for a Western armory, a commission was instituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last, General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees while peaceably trading with the Indians, at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes on the Missouri, as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit, in greater detail, the condition of the department in its various branches, and the progress which has been made in its administration, during the three first quarters of the year.

I transmit a return of the militia of the several States, according to the last reports which have been made by the proper officers in each, to the Department of War. By reference to this return, it will be seen that it is not complete, although great exertions have been made to make it so. As the defence, and even the liberties of the country, must depend, in times of imminent danger, on the militia, it is of the highest importance, that it be well organized, armed, and disciplined, throughout the Union. The report of the Secretary of War shows the progress made during the three first quarters of the present year, by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it, from the failure of the proper departments in many of the States, to make regular returns. The act of May the twelfth, one thousand eight hundred and twenty, provides that the system of tactics and regulations of the various corps of the regular Army, shall be extended to the militia. This act has been very imperfectly executed, from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defence. It is thought that this important subject, in all its branches, merits the attention of Congress.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that department, for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean sea, the Pacific ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico, our naval force has been augmented, by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the Island of Cuba had been afflicted, have been repressed, and the confidence of our merchants, in a great measure, restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And, in reflecting with high satisfaction, on the honorable manner in which they have sustained tha reputation of their country and its Navy, the sentiment is alloyed only by a concern, that, in the fulfilment of that arduous service, the diseases incident to the season, and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skilful surgeons, to ascertain the origin of the fever, and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the island, and returned to the United States, in consequence of the prevailing sickness. Much useful information has however been obtained, as to the state of the island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the Island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the Governor of that island, by an agent, who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The Minister of the United States to that Court was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The Minister, as has been seen, was debarred access to the Spanish Government, and, in the mean time, several new cases of flagrant outrage have occurred, and citizens of the United States in the Island of Porto Rico have suffered, and others been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunals of the country.

The usual orders have been given to all our public ships, to seize American vessels engaged in the slave trade, and bring them in for adjudication, and I have the gratification to state, that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction, that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defence, it enjoys the public confidence, and is steadily assuming additional importance. It is submitted, whether a more efficient and equally economical organization of it might not, in several respects, be effected. It is supposed that higher grades than now exist by law, would be useful. They would afford well-merited rewards to those who have long and faithfully served their country; present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services; and relieve our officers from many inconveniences and mortifications, which occur when our vessels meet those of other nations—ours being the only service in which such grades do not exist.

A report of the Postmaster General, which accompanies this communication, will show the present state of the Post Office Department, and its general operations for some years past.

There is established by law eighty-eight thousand six hundred miles of post roads, on which the mail is now transported eighty-five thousand seven hundred miles; and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are five thousand two hundred and forty post offices in the Union, and as many postmasters. The gross amount of postage which accrued from the first of July, one thousand eight hundred and twenty-two, to the first of July, one thousand eight hundred and twenty-three, was one million one hundred and fourteen thousand three hundred and forty-five dollars and twelve cents. During the same period, the expenditures of the Post Office Department amounted to one million one hundred and sixty-nine thousand eight hundred and eighty-five dollars and fifty-one cents; and consisted of the following items: compensation to postmasters, three hundred and fifty-three thousand nine hundred and ninety-five dollars and ninety-eight cents; incidental expenses, thirty thousand eight hundred and sixty-six dollars and thirty-seven cents; transportation of the mail, seven hundred and eighty-four thousand six hundred dollars and eight cents; payments into the Treasury, four hundred and twenty-three dollars and eight cents. On the first of July last, there was due to the Department, from postmasters, one hundred and thirty-five thousand two hundred and forty-five dollars and twenty-eight cents; from late postmasters and contractors, two hundred and fifty-six thousand seven hundred and forty-nine dollars and thirty-one cents; making a total amount of balances due to the Department, of three hundred and ninety-one thousand nine hundred and ninety-four dollars and fifty-nine cents. These balances embrace all delinquencies of postmasters and contractors, which have taken place since the organization of the Department. There was due by the Department to contractors on the first day of July last, twenty-six thousand five hundred and forty-eight dollars and sixty-four cents.

The transportation of the mail, within five years past, has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage, which has accrued within the last three years, has fallen short of the expenditures two hundred and sixty-two thousaud eight hundred and twenty-one dollars and forty-six cents, it appears that collections have been made, from the outstanding balances, to meet the principal part of the current demands.

It is estimated that not more than two hundred and fifty thousand dollars of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage, is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the Department to continue its operations without aid from the Treasury, unless the expenditure shall be increased by the establishment of new mail routes.

A revision of some parts of the post office law may be necessary; and it is submitted, whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress, at the commencement of the last session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add, that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations, and greatest commercial intercourse, tends to confirm them. Under this impression, I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with for defence and independence of the country.

The actual state of the public accounts, furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the moneys drawn from the Treasury, since the fourth of March, one thousand eight hundred and seventeen, the sum remaining unaccounted for, on the thirtieth of September last, is more than a million and a half of dollars less than on the thirtieth of September preceding; and during the same period, a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the fourth of March, one thousand eight hundred and seventeen. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished, by settlement, the difficulty of settling the residue is increased, from the consideration, that, in many instances, it can be obtained only by legal process. For more precise details on this subject, I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session, for the repair of the Cumberland road, has been applied with good effect to that object. A final report has not been received from the agent who was appointed to superintend it. As soon as it is received, it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together, by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it will pass, would find a market through that channel. Troops might be moved with great facility in war, with cannon, and every kind of munition, and in either direction. Connecting the Atlantic with the Western country, in a line passing through the Seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing, as I do, that Congress have the right to appropriate money for such a national object, (the jurisdiction remaining to the States through which the canal would pass,) I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next season, and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected, by canals, with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution, for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration, whether it may not be expedient to authorize the Executive to enter into an arrangement with the several States through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing, also, by suitable penalties, for its protection against future injuries.

The act of Congress of the seventh of May, one thousand eight hundred and twenty-two, appropriated the sum of twenty-two thousand seven hundred dollars for the purpose of erecting two piers as a shelter for vessels from ice, near Cape Henlopen, Delaware Bay. To effect the object of the act, the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended; and, as the piers would be of great service, both to the navigation of the Delaware Bay, and the protection of vessels on the adjacent parts of the coast, I submit to the consideration of Congress whether additional and sufficient appropriation should not be made.

The Board of Engineers were also directed to examine and survey the entrance of the harbor of the port of Presque Isle, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose, by act of Congress, passed the 3d of March last. The report of the board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no Power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes.

It was stated at the commencement of the last session, that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied Powers is esssentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those Powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But, with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new Governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change, on the part of the United States, indispensable to their security.

The late events in Spain and Portugal, show that Europe is still unsettled. Of this important fact, no stronger proof can be adduced than that the allied Powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question, in which all independent Powers, whose Governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every Power; submitting to injuries from none. But, in regard to those continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other Powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress, in improvement in all the important circumstances which constitute the happiness of a nation, which bears any resemblance to it. At the first epoch, our population did not exceed three millions. By the last census, it amounted to about ten millions, and, what is more extraordinary, it is almost altogether native; for the emigration from other countries has been inconsiderable. At the first epoch, half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory our population has expanded in every direction, and new States have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our population, and accession of new States to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a Power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system and increasing the number of States, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat, here, of the vast improvement made in the system itself, by the adoption of this Constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them?

JAMES MONROE.

WASHINGTON, *December* 2, 1823.

The Message and accompanying documents were read, and, on motion by Mr. HOLMES, of Maine, fifteen hundred copies thereof, and fifteen hundred additional copies of the Message, were ordered to be printed for the use of the Senate.

WEDNESDAY, December 3.

The resolution authorizing Mountjoy Bayly to employ an assistant and horses for the use of the Senate, was read a third time, and passed.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Senate will, on Friday next, at twelve o'clock, proceed to the appointment of the standing committees of this House.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That a committee of three members be appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books and maps, for the use of the two Houses of Congress.

The Senate adjourned to Friday.

FRIDAY, December 5.

JOHN H. EATON, from the State of Tennessee; JAMES D'WOLF, from the State of Rhode Island and Providence Plantations; and NINIAN EDWARDS, from the State of Illinois, severally attended.

ANDREW JACKSON, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, of the 1st of March last, furnishing the information required in relation "to the amount of interest received or receivable in each State on the public debt; the amount of dividends paid or payable in each State by the Bank of the United States; all in reference to the year 1823; and the amount of duties on tonnage and imports, received during the year ending on the 30th September, 1823; and the amount of the direct taxes still due and unpaid in each State of the United States." The report and accompanying documents were read, and ordered to be printed for the use of the Senate.

On motion, by Mr. LANMAN,

Resolved, unanimously, That the members of the Senate wear the usual mourning, for thirty days, as a mark of respect to the memory of the Hon. ELIJAH BOARDMAN, a Senator from Connecticut, who has deceased since the last session.

The Senate resumed the motion for the appointment of the Standing Committees of the House; and the further consideration thereof was postponed until Monday next.

Mr. EATON submitted the following resolution for consideration, which was read:

Resolved, That five persons shall be chosen, by ballot of the Senate, on the —— day of each session, who shall act as chairmen of the Committee of Foreign Relations, of Finance, of Commerce and Manufactures, Military Affairs, and of the Judiciary, as the persons elected may themselves arrange; and as early as practicable thereafter they shall appoint four members, to serve in each of said committees; and proceed also to appoint the rest of the committees, required by the thirtieth rule for conducting business in the Senate, and make report thereof to the Senate.

Ordered, That it pass to the second reading.

Mr. BARBOUR submitted the following resolution for consideration; which was read:

Resolved, That all committees be appointed by the presiding officer of this House, unless specially ordered otherwise by the Senate.

Ordered, That it pass to the second reading.

The Senate resumed the consideration of the resolution for the appointment of a joint Library Committee, and agreed thereto.

The Senate adjourned to Monday.

MONDAY, December 8.

RICHARD M. JOHNSON, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last, stated, that he had neglected bringing his credentials with him, expecting they would be forwarded by the proper authority of the State, and which he still supposed would speedily be done: Whereupon, the oath prescribed by law was administered to him, and he took his seat in the Senate.

The Senate proceeded to consider the motion submitted the third instant, for the appointment of the Standing Committees; and it was ordered to lie on the table.

The resolution offered by Mr. EATON, on Friday last, was taken up for consideration. It provided for the choice, by ballot, of five members, to act as chairmen of the five most important committees, with power to fill up their own, and select the members of the remaining committees. Mr. BARBOUR proposed to amend Mr. EATON's resolution, so as to give the power of appointing committees to the presiding officer of the Senate. This amendment was agreed to, and the resolution, as amended, was ordered to a third reading.

[The Rule of the Senate has, heretofore, been to elect its Standing Committees, at the commencement of each session, by ballot. Inconveniences have been found to attend this mode of election; and it is now proposed that the Senate adopt the practice of the House of Representatives, and give the selection of its Standing Committees to the presiding officer.]

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

By the act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of $35,190, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, *Dec.* 7, 1823.

The Message was read, and after the consideration of Executive business, the Senate adjourned.

TUESDAY, December 9.

The resolution to amend the *thirty-first* rule for conducting business in the Senate, was read a third time, and passed, as follows:

Resolved, That the 31st rule for conducting business in the Senate be so amended as to read: All committees shall be appointed by the presiding officer of this House, unless specially ordered otherwise by the Senate.

Mr. BROWN, of Ohio, submitted the following motion for consideration:

Resolved, That a select committee be appointed on Roads and Canals, with leave to report by bill or otherwise.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That a select committee, of five members, be appointed, to inquire into the expediency of abolishing imprisonment for debt, and to report by bill or otherwise.

Mr. **MACON** presented the petition of Hanson Kelly, praying the payment of his account for rations furnished the United States, agreeably to his contract with Beverly Daniel, marshal of the District of North Carolina; and the petition was read, and referred to the Committee of Claims.

STANDING COMMITTEES.

On motion, by Mr. **BARBOUR**, it was agreed, that the Standing Committees be now appointed: Whereupon, the following Committees were appointed:

On Foreign Relations.—Messrs. Barbour, King of New York, Macon, Jackson, and Elliott.

On Finance.—Messrs. Smith, Macon, King of New York, Holmes of Maine, and Lowrie.

On Commerce and Manufactures.—Messrs. Dickerson, Ruggles, D'Wolf, Findlay, and Lloyd of Mass.

On Military Affairs.—Messrs. Jackson, Benton, Chandler, Taylor of Indiana, and Johnson of Kentucky.

On the Militia.—Messrs. Chandler, Findlay, Knight, Branch, and Bell.

On Naval Affairs.—Messrs. Lloyd of Massachusetts, Williams, Parrott, Lloyd of Maryland, and Hayne.

On Public Lands.—Messrs. Barton, Thomas, Williams, Eaton, and Lowrie.

On Indian Affairs.—Messrs. Benton, Edwards of Illinois, Johnson of Louisiana, Elliott, and Edwards of Connecticut.

On Claims.—Messrs. Ruggles, Holmes of Mississippi, Palmer, Bell, and McIlvaine.

On the Judiciary.—Messrs. Van Buren, Holmes of Maine, Talbot, Brown of Ohio, and Seymour.

On the Post Office and Post Roads.—Messrs. Lanman, Johnson of Kentucky, Holmes of Mississippi, Knight, and McIlvaine.

On Pensions.—Messrs. Noble, Talbot, Johnson of Louisiana, Lanman, and Branch.

On the District of Columbia.—Messrs. Lloyd of Maryland, Barbour, Noble, Eaton and Parrott.

Of Accounts.—Messrs. Seymour, Edwards of Connecticut, and Hayne.

On the Library.—Messrs. Dickerson, Elliott, and Williams.

WEDNESDAY, December 10.

A letter was received from the Hon. James Brown, (recently appointed Minister to France,) resigning his seat in the Senate; and, on motion of Mr. **JOHNSON**, of Louisiana, the President of the Senate was requested to give notice of this resignation to the Executive of the State of Louisiana.

Mr. **BARBOUR** stated that sundry claims, for advances during the late war, had existed in favor of the State of Virginia, against the General Government, the principal part of which had been allowed by the department to which belonged the adjustment of such claims; but, as there were still several items of the account which the accounting officers did not think it within their province to allow, he had been instructed to endeavor to obtain the passage of an act of Congress in relation to these claims. He, therefore, submitted the following resolution, which was read and laid over for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing a law, authorizing the proper department to settle, on equitable terms the claims of Virginia against the Government of the United States, arising from advances made by Virginia during the late war.

Mr. **JOHNSON**, of Kentucky, said he had made a fruitless attempt, at the last session, to obtain information through a committee, concerning the expediency of a new organization of the judiciary powers of the country—that the measure was then thought to be premature; but recent events had proved that it was not so. He thought it the duty of Congress to remedy the defect which he believed to exist in this department of the Government—that tremendous evils might result to the country, from the powers imparted to its judiciary, when a whole State, and a State that had always been loyal to the Government, might be convulsed to its very centre by a judicial decision. He did not mean these remarks as reflecting upon the conduct of the judges, for he believed them to be highly enlightened and intelligent. But whatever degree of talent or integrity might be possessed by the judges, Mr. J. said he considered, in this case, only the tenure of their offices, and their responsibility. Some remedy for the defect to which he had alluded, he believed must ere long be adopted, to preserve the purity of our political institutions. Mr. J. then offered the following resolution, which was read, and laid over for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of forming and constituting three additional judicial circuits, to be added to the present number, with an additional judge to each, viz: one to be composed of the States of Tennessee and Alabama; one of Mississippi and Louisiana, and one of Illinois and Missouri—also, to inquire into the expediency of amending the law respecting the Judiciary of the United States, so as to require a concurrence of at least seven judges in any opinion, which may involve the validity of the laws of the United States, or of the States respectively.

Mr. **DICKERSON** submitted the following motion for consideration:

Resolved, That a committee of three be appointed, who, with a committee to be appointed on the part of the House of Representatives, shall make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses of Congress may require.

Mr. **LOWRIE** presented the petition of William Hill, stating that, being confined in the jail of Allegany county, by virtue of a process from the District Court of the United States for the western district of Pennsylvania, he has applied for the benefit of the act of Congress, of January 6th, 1800; but that, owing to the absence of the judge, who has been advised to remove to a warmer climate, as the only means of preserving his life, he cannot avail himself of the provisions of said act; and praying relief. The petition was read, and referred to the Committee on the Judiciary.

Mr. **LOWRIE** presented the petition of Jonathan H. Lambdin, stating that, owing to the absence of the Judge of the District Court of the United States for the western district of Pennsylvania, he is prevented from availing himself of the provisions of the act of January 6th 1800, for the benefit of debtors confined in jail; and praying relief. The petition was read, and referred to the Committee on the Judiciary.

Mr. Lowrie presented the petition of Abraham V. Matson, stating that, owing to the absence of the judge of the district court of the United States for the western district of Pennsylvania, he cannot avail himself of the provisions of the act of January 6th, 1800, and must remain in close confinement until the return of the judge, or the appointment of his successor; and praying relief. The petition was read, and referred to the Committee on the Judiciary.

Mr. Dickerson presented the petition of Frederick W. Smith, a lieutenant in the Navy of the United States, stating that, whilst employed on board the sloop of war Ontario, he lost overboard, in a gale of wind, a pocket-book, containing money and vouchers to the amount of eight hundred dollars; that he has been thereby prevented from adjusting his accounts at the proper department; and praying the passage of an act for his relief. The petition was read, and referred to the Committee of Claims.

Mr. Lloyd, of Massachusetts, presented the memorial of Henry Gray and William Gray, of Boston, representing that they have sustained great loss by the illegal condemnation of their vessel and cargo, at Porto Rico; that, in the capture of the same, their private rights have been invaded, and the flag and authority of the United States contemned; and praying the adoption of such measures as may secure the rights of the citizen, and tend to the safety of the future commerce of the country. The memorial was read, and referred to the Committee on Naval Affairs.

Mr. Barton presented the petition of Eleanor Tansy, stating that her son, a private in the corps of Missouri Rangers, during the late war, received a wound, of which he died, leaving the petitioner unable, from age and infirmity, to procure a subsistence by her own exertions; and praying a pension. The petition was read, and referred to the Committee on Pensions.

The Senate resumed the consideration of the motion of the ninth instant, for the appointment of a Committee on Roads and Canals, which was amended, and agreed to, as follows:

Resolved, That a select committee, of five members, be appointed on Roads and Canals, with leave to report by bill or otherwise.

Messrs. Brown, Edwards, of Illinois, Palmer, Smith, and McIlvaine, were appointed the said committee.

The Senate resumed the consideration of the motion of the ninth instant, for the appointment of a select committee to inquire into the expediency of abolishing imprisonment for debt, and agreed thereto; and Messrs. Johnson, of Kentucky, Barton, Van Buren, Holmes, of Maine, and Bell, were appointed the said committee.

Mr. Benton gave notice, that, to-morrow, he should ask leave to introduce a resolution proposing an amendment to the Constitution of the United States.

PRESIDENT'S MESSAGE.

On motion, by Mr. Barbour, so much of the Message of the President of the United States as concerns our relations with foreign Powers, was referred to the Committee on Foreign Relations.

On motion, of Mr. Lloyd, of Massachusetts, so much of the President's Message as relates to the Navy of the United States, was referred to the Committee on Naval Affairs.

On motion, by Mr. Dickerson, so much of the Message of the President of the United States as relates to commerce, and to the encouragement which ought to be given to manufactures, was referred to the Committee on Commerce and Manufactures.

ELECTION OF CHAPLAINS.

A message was received from the House of Representatives, informing the Senate of the concurrence of the House in the resolutions from the Senate, for a joint committee on enrolled bills, and for the appointment of two Chaplains of different denominations; and that the House had made choice, on their part, of the Rev. Henry B. Bascom, of the Methodist Episcopal Church, as their Chaplain.

On motion of Mr. Holmes, of Maine, the Senate then proceeded to the election of a Chaplain on their part. On the first ballot, no choice was made, the votes being as follows:

Whole number 38; necessary to a choice 20.

Rev. Dr. Staughton - - - -	17
Rev. Mr. McIlvaine - - - - -	9
Rev. Mr. Post - - - - - -	8
Rev. Mr. Allen - - - - - -	4

On the second balloting, the votes were as follows:

Whole number 39; necessary to a choice 20.

Rev. Dr. Staughton - - - - -	22
Rev. Mr. McIlvaine - - - - -	8
Rev. Mr. Post - - - - - -	7
Rev. Mr. Allen - - - - - -	2

And the Rev. Dr. Staughton was declared to be elected Chaplain of the Senate, for the present session.

Thursday, December 11.

Mr. Holmes, of Maine, submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire whether any further provisions are necessary to prevent frauds on the revenue, on the Eastern frontier of the United States.

Mr. Barton submitted the following motion for consideration:

Resolved, That the Committee on Public Lands inquire into the expediency of making further provisions by law for the final decision of incomplete titles to lands held under the authority of France or Spain, in the State of Missouri and Territory of Arkansas.

And also, into the expediency of making further provision by law to perfect the titles to lands located by virtue of warrants issued under the act of Congress, of the 17th of February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes."

Mr. Eaton submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the settlement, on principles of equity, of the accounts of the late Robert Seacy, Paymaster for West Tennessee, in the years 1816, 1817, and 1818, and of extending to him such other and further relief as to said Committee he may seem to be entitled.

Mr. Barton submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of Samuel Gilbert, of the State of Missouri, for property taken from him, by the Sac Indians, in 1815, after they had notice of the treaty of peace with Great Britain, but before the treaty of peace was concluded with those Indians, in 1816, by the second article of which, they were bound to restore that property; but were afterwards released, by the United States, from that obligation.

Mr. Hayne gave notice that, on Monday next, he should ask leave to introduce a resolution proposing an amendment to the Constitution of the United States, so as to secure the election of President and Vice President of the United States by the Electors, and to prevent those elections from devolving, in any event, on the Senate and House of Representatives.

Mr. Ruggles presented the petition of J. L. Skinner, stating that he became interested in a contract, entered into by the Government with one George Paul, for the construction of a part of the Cumberland Road, at a stipulated price per mile; that, soon after the commencement of the work, the mode of constructing it was materially varied by the Superintendent, by which he has been subjected to great additional expense; for which, and other departures from the contract, he prays compensation. The petition was read, and referred to the Committee on Roads and Canals.

Mr. Findlay presented the memorial of Joseph S. McPherson, a Master Commandant in the Navy of the United States, representing that, owing to the loss of his portable writing desk, containing his vouchers for the expenditure of the public moneys placed in his hands, stolen by a certain Thomas Wingate, and for which the said Wingate has been tried and found guilty, he has been prevented from settling his accounts, and praying the passage of an act for his relief. The memorial was read, and referred to the Committee of Claims.

Mr. Noble presented the petition of Israel T. Canby, executor of Ann Sprigg, praying compensation for a wagon and four horses impressed into the service of the United States during the late war with Great Britain. The petition was read, and referred to the Committee of Claims.

Mr. Van Buren presented the petition of Archibald Gracie, of New York, stating that property belonging to the petitioner was seized by the French, at Hamburg, in the year 1807; that the capture was without ground, and that the property, without any trial, or civil process whatever, was appropriated to the purposes of the French Government; that the claim is one of a nature the most manifest, and praying the assistance of the Government to obtain its allowance; which petition was referred to the Committee on Foreign Relations.

On motion by Mr. Smith, so much of the Message of the President of the United States, of the 2d instant, as relates to the revenue and finances of the United States, was referred to the Committee on Finance.

On motion by Mr. Chandler, so much of the Message of the President of the United States, of the 2d instant, as relates to the militia, was referred to the Committee on the Militia.

Mr. Barbour presented a communication from the Governor of Virginia, on the subject of the claim of that State for advances during the late war; which was read.

The resolution offered yesterday by Mr. Johnson, of Kentucky, instructing the Committee on the Judiciary to inquire into the expediency of establishing three new judicial districts; and of requiring the united opinion of seven judges, on any question involving the validity of a law of the United States, or of the States, respectively, was again read.

On motion of Mr. Barbour, the resolution was so amended as to require that, in the cases contemplated in the latter part of this resolution, the opinions of the judges should be given separately, and recorded. The resolution was then, on motion of Mr. Eaton, ordered to lie on the table.

The Senate resumed the consideration of the motion, submitted yesterday, for the appointment of a joint committee to distribute the rooms in the centre building of the Capitol, and agreed thereto; and Messrs. Dickerson, D'Wolf, and Lloyd, of Maryland, were appointed the said committee.

AMENDMENT TO THE CONSTITUTION.

In pursuance of notice given yesterday, Mr. Benton asked and obtained leave to introduce the following resolution, which passed to a second reading, and was ordered to be printed:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the whole number of States, shall be valid, to all intents and purposes, as part of the said Constitution:

That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number of districts equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress; each district shall be composed of contiguous territory, and shall contain, as nearly as may be, an equal number of persons entitled, by the Constitution, to be represented, and on such days as

Congress shall determine, which days shall be the same throughout the United States, the citizens of each State, who may be qualified to vote for a Representative in Congress, shall meet at such places within their respective districts as the Legislature of each State shall appoint; and each, in his proper person, shall vote for President and Vice President, one of whom, at the least, shall not be an inhabitant of the same State with himself; and separate triplicate lists shall be kept of all the voters, and of all the votes given for each person as President, and for each as Vice President. All the votes, so given in each district, shall be collected forthwith, in such manner as the Legislature of the State may direct, at some one convenient place within the district; and the votes given for each candidate shall be added together, and the person having the greatest number of votes for President, and the one having the greatest number of votes for Vice President, shall be certified as duly preferred in said district, and shall be entitled to one vote each for the respective offices for which they are candidates; but, if two or more persons shall have an equal number of votes in such district election, for the same office, then the returning officers shall decide between them, and certify accordingly. Triplicate certificates of the whole number of votes given for each candidate shall be made out, and transmitted, in such manner as Congress may direct, to the Seat of Government of the United States, addressed to the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be equal to a majority of the whole number of electoral votes within the United States; and if no person have such majority, then the President shall be chosen by the House of Representatives, from the three having the greatest number of votes for President, in the manner now prescribed by the Constitution.

The person having the greatest number of votes for Vice President shall be the Vice President, if such number be equal to a majority of the whole number of electoral districts, and if no person have such majority, then the Vice President shall be chosen by the Senate, from the two persons having the greatest number of votes for that office, in the manner now prescribed by the Constitution.

CLAIMS OF VIRGINIA.

The resolution offered yesterday by Mr. BARBOUR, instructing the Committee on Military Affairs to inquire into the propriety of allowing certain claims of the State of Virginia for moneys advanced on account of the General Government, during the late war, was again read for consideration. A letter from the Governor of Virginia, in relation to the claim, was also read.

Mr. SMITH understood the resolution to have reference, more particularly, to a claim for interest on moneys advanced during the war, by the State of Virginia. He said he should have no objection to the resolution, provided it were made a general one, to reach all claims of a like nature. The State of Maryland, and many corporations and individuals, hold claims of a similar kind, and the principle upon which this motion was predicated, Mr. S. thought, should extend to them all.

Mr. BARBOUR said the case of the State of Virginia, concerning which the resolution proposed an inquiry, was one of a peculiar nature. Although it was a general principle of the Government not to allow interest on claims for services during the war, yet this case he thought different from most others. Although the Government of the United States had been repeatedly called upon to furnish the money expended in the State of Virginia, yet such was the state of the public Treasury at that time, that the means were not provided. The State was compelled to depend entirely upon her own resources; the taxes upon the people were very oppressive, but they were cheerfully borne. These taxes were not sufficient to meet the necessary expenditures. The State was compelled to borrow money, and to pay interest for it; this was done for the benefit of the Government, and the interest thus paid, certainly ought to be reimbursed. There could be no doubt that Government was bound, in time of war, to make advances of the funds required for the defence of the country; if the Government was not able to make such advances, and they were made by the State in which such advances became necessary, common justice requires that, when the Government becomes able, not only the principal, but the interest also, should be reimbursed. He had now presented this case, as he had been instructed, on the part of the State of Virginia, and did not see the propriety of a copartnery with any other claim, whether of a similar nature or not. He wished his own claim decided on its own merits; other cases, when brought forward, might be referred to the same committee, and, if alike in their nature, a general bill might be made to meet them all; but Mr. B. said he did not now wish to associate his claim with any other; he hoped, therefore, that his case would be presented to the committee by itself.

Mr. LLOYD, of Maryland, said he did not understand the distinction between the claims of the State of Virginia, and many others which exist. He presumed they were for interest on moneys advanced for the service of the country; the State of Maryland had claims of precisely the same nature; she had advanced moneys which were expended for arms, equipments, and compensation for militia services. He considered this the same ground; when acting on a general principle, the same provision should be extended to all cases that come within its limits. Mr. L. had no hostility to the claim of Virginia, but thought the case of Maryland was equally as strong, and hoped the resolution would be so modified as to meet all cases of a similar nature.

Mr. BARBOUR said he did not mean to question the claim of the State of Maryland, but he did not wish it to be associated with that which he had presented at this time; his was an insulated proposition, and not affecting any other. If Maryland was entitled to similar relief, let the gentleman from that State present the subject entire, and he should not object to it. It was not interest alone, Mr. B. said, that constituted the items of the claim of Virginia; but the resolution contemplated to give power to the proper department to settle, upon equitable principles, the whole claim. We were, at that time, unacquainted with the forms necessary to be observed in a state of war; and, although *bona fide* expenditures of the money had been made, yet the proper documents could not always be produced; in many instances the technicality required at the offices could not be complied with—although the claim might be allowed to be just, yet, in many cases, the vouchers are wanting. He therefore hoped the resolution would pass.

Mr. **SMITH** made some further remarks, and concluded by moving that the resolution be ordered to lie on the table, which was agreed to.

FRIDAY, December 12.

Mr. **LOWRIE** presented the memorial of Martin Thomas, and others, of the city and county of Philadelphia, praying a modification of the tariff, and additional protection to the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. **LOWRIE** presented the petition of Richard O'Brien, late Consul General at Algiers, praying the passage of an act to authorize the equitable settlement of his accounts. The petition was read, and referred to the Committee on Foreign Relations.

Mr. **NOBLE** presented the petition of Eliza Dill, one of the daughters of the late General Arthur St. Clair, praying the payment of a balance alleged to be due to her deceased father. The petition was read, and referred to the Committee of Claims.

Mr. **JOHNSON**, of Louisiana, presented the petition of Marie Louise de la Gautrais, widow of François Gonsonlin, deceased, praying the confirmation of her title to a tract of land in Louisiana. The petition was read, and referred to the Committee on Public Lands.

Mr. **JOHNSON**, of Louisiana, presented sundry documents in support of the claim of Thadeus Mayhew, for compensation for damages sustained in consequence of the occupation of his houses as military deposites, during the late war; and also for property taken for the use of the American Army.—Referred to the Committee of Claims.

Mr. **BARTON** presented the petition of Isaac Clark, of Missouri, praying further time to enable him to comply with the provisions of the act of 1818, for the relief of purchasers of public lands. The petition was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the motion of the 11th instant, that the Committee on Military Affairs inquire into the expediency of authorizing the equitable settlement of the accounts of the late Robert Seacy; and, on motion, it was laid on the table.

The resolution offered yesterday by Mr. **HOLMES**, of Maine, instructing the Committee of Finance to inquire whether any further provisions are necessary to prevent frauds in the revenue, on the eastern frontier of the United States, was again read, and passed.

The resolution submitted yesterday by Mr. **BARTON**, concerning the French and Spanish titles to lands in Missouri and Arkansas, was again read, and passed.

Another resolution offered yesterday by Mr. **BARTON**, respecting the claim of Samuel Gilbert, of Missouri, was taken up, and passed.

The joint resolution offered yesterday by Mr. **BENTON**, proposing an amendment of the Constitution, so as to give the election of President and Vice President to the people, in primary assemblies, received its second reading.

On motion of Mr. **MACON**, it was ordered that, hereafter, when the Senate adjourns on Fridays, it will adjourn till the ensuing Monday, unless otherwise ordered; and the Senate then adjourned till Monday next, at twelve o'clock.

MONDAY, December 15.

ELIJAH MILLS, from the State of Massachusetts, attended.

The **PRESIDENT** communicated a report of the Secretary for the Department of War, made in pursuance of an act of Congress, of the 6th May, 1822, together with an abstract of all licenses granted by the superintendent and agents of Indian affairs, to trade with the Indians, showing by and to whom, when and where granted, with the amount of the bonds and capital employed, as far as the same can be ascertained from the returns which have been made. The report was read, and referred to the Committee on Indian Affairs.

Mr. **EATON** presented the petition of Charles B. Davis, stating that, in the year 1814, whilst he was from home, on a tour of militia duty, the building erected by the United States, and in which he resided as a messenger in the Treasury Department, was, with the public offices, destroyed by fire, together with his furniture and apparel; and praying remuneration for the loss thereby sustained. The petition was read, and referred to the Committee of Claims.

Mr. **FINDLAY** presented the memorial of Chandler Price, President of the United States Insurance Company, and others, merchants, of Philadelphia, stating that they have claims against the Government of France, for property captured and sold, without the forms of a legal adjudication, and in violation of the terms of an existing treaty; that payment for the same has been withheld, on the pretext, that the United States have not carried into effect the 8th article of the Louisiana Treaty; and praying that their case may be taken into consideration, and such relief granted as to Congress may seem proper. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. **FINDLAY** presented the memorial of Elijah Earl, and others, citizens of the United States, and resident merchants of the city of Philadelphia, stating that, in the year 1809, a large amount of property, owned by the memorialists, was illegally captured and sold; the proceeds of which have been placed in the Treasury of France; that they have since been unable to obtain compensation for the same, and praying such relief as to Congress may seem proper. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. Lowrie presented the memorial of Way and Gideon, stating that they have commenced the publication of an edition of the Journals of the Old Congress, and praying a subscription to the same, in behalf of the United States. The memorial was read, and referred to the Committee on the Library.

Mr. Lowrie presented the memorial of Edward de Krafft, of the City of Washington, praying a subscription, in behalf of the United States, for one thousand sets of the Journals of the Old Congress, an edition of which he proposes to publish. The memorial was read, and referred to the Committee on the Library.

Mr. Knight presented a petition of Zachariah Allen, and others, citizens of the United States, residing in the State of Rhode Island, praying an additional duty, of twelve and an half per centum, may be imposed on imported manufactures of foreign wool. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. Barton presented the petition of Morris James, of Missouri, praying compensation for the use and destruction of his timber, by a cantonment of United States troops. The petition was read, and referred to the Committee of Claims.

Mr. Parrott submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing an additional number of sloops of war to be built and equipped for the service of the United States.

Mr. Johnson, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing, by law, for the final decision of all claims to land, in that part of the State of Louisiana, situated east of the Mississippi river and island of New Orleans, derived from the French, British, and Spanish Governments, which have not been confirmed by the United States.

On motion, by Mr. Jackson, so much of the President's Message, of the 2d instant, as relates to the army, fortifications, military academy, foundries, and arsenals, was referred to the Committee on Military Affairs.

On motion, by Mr. Benton, so much of the Message of the President of the United States, of the 2d instant, as relates to the Indians, was referred to the Committee on Indian Affairs.

On motion, by Mr. Knight, so much of the Message of the President of the United States, of the 2d instant, as relates to the General Post Office, was referred to the Committee on the Post Office and Post Roads.

Mr. Van Buren, from the Committee on the Judiciary, to which were referred, on the 10th instant, the petitions of Jonathan H. Lambdin, William Hill, and Abraham V. Matson, reported a bill, supplementary to the act, entitled "An act for the relief of persons imprisoned for debt;" and the bill was read twice, by unanimous consent.

Mr. Lloyd, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing a law authorizing the proper department to settle, on equitable terms, the claims of Maryland against the Government of the United States, arising from advances made by Maryland during the late war.

On motion, by Mr. Barbour, the Senate resumed the consideration of the motion of the 10th instant, in relation to the claims of the State of Virginia for advances during the late war; and agreed thereto.

The Senate resumed the consideration of the motion of Mr. Johnson, of Kentucky, of the 10th instant, to instruct the Committee on the Judiciary to inquire into the expediency of constituting three additional judicial circuits, which, having been further amended, was agreed to, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of forming and constituting three additional judicial circuits, to be added to the present number, with an additional judge to each, viz: One to be composed of the States of Tennessee and Alabama; one of Mississippi and Louisiana; and one of Indiana, Illinois, and Missouri; also, to inquire into the expediency of amending the laws respecting the judiciary of the United States, so as to require a concurrence of at least seven judges in any opinion which may involve the validity of the laws of the United States, or of the States, respectively; and, in such cases, of requiring the judges present to give, and have spread on the record, their opinions, respectively:

And likewise into the expediency of so reforming the courts of the United States, as to make the Supreme Court separate and distinct from the circuit courts.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and, on motion, it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same;" a bill, entitled "An act appropriating a certain amount of money for the relief of Daniel D. Tompkins;" also, a bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama:" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were read, and respectively passed to the second reading.

The bill, entitled "An act appropriating a certain sum of money for the relief of Daniel D. Tompkins," was read the second time, by unanimous consent, and referred to the Committee of Claims.

AMENDMENT TO THE CONSTITUTION.

In pursuance of a notice given on Friday last, Mr. **HAYNE** rose to ask leave to offer a resolution to propose to the Legislatures of the several States an amendment to the Constitution of the United States, so as to provide for the election of President and Vice President by the Electors, and to prevent the election from devolving, in any event, upon the House of Representatives. Mr. H. said that, in introducing this resolution, he would ask the indulgence of the Senate while he should briefly state his views on the subject. The number of amendments which had already been proposed, and others which are contemplated, call the attention of Congress strongly towards this important point. He did not deny that visionary schemes, proposing alterations in our systems of government, were but too common—he was opposed, in habit and principle, to rash innovations. But, though it certainly is not proper to change the Constitution for light and frivolous causes, yet the necessity certainly may exist to authorize such changes as will tend to the future security of the country. The necessity of some change, at present, is too obvious to be disregarded. It is the duty of nations, as well as of individuals, by foresight, to guard against impending evils. What rational being would not provide against an approaching tempest that was threatening to destroy him? And what nation, when its enemy was at the door, would not provide for defence against him? When the storm is impending it is time to close the avenues against it. If we fold our arms, and wait until the evils come upon us, it will then be too late to provide the remedy—we may then, in the spirit of the Roman Senate, wrap ourselves in our robes, and submit to our fate. But we shall be subject to reproach for not having exerted ourselves to avert the causes of those evils. It is worthy of the deepest reflection, that this period is a safe one to institute such improvement as is deemed necessary. The moment of actual suffering is certainly not the most propitious for change; nor, when there is a perfect calm in the political concerns of the country. But, when the dreaded evils are clearly foreseen, and are yet at a distance; when no prejudices are yet aroused to prevent deliberate judgment on the subject—then is the time to provide against them. That propitious moment is the present. The public mind is awake to the subject, and the favorable period may not again come. That some amendment is necessary—some provision against this defect in the Constitution—is admitted on all hands. Even his venerable friend, Mr. H. said, who had stood here for thirty years to defend the integrity of the Constitution, (alluding probably to Mr. **MACON**,) yielded to the conviction that some alteration was necessary in this part of that instrument. Two classes of amendment had been suggested—the one, relating to the mode of choosing the Electors, and the other, to the mode of choice *by* the Electors. So many different propositions had been offered in regard to the manner of choosing Electors, that it had been thought proper to waive that subject. But, certainly, Mr. H. thought it infinitely more important that some provision should be made to secure the election, actually and in spirit, by the Electors. In all the modes by which the Electors are chosen, they represent the true feelings and views of the people. But this truly popular mode of election may fail, because the choice does not happen to be made at the first balloting. The election ought not to come to the House of Representatives or the Senate; for they are but the representatives of the States in such an election, and it may happen that a small minority may give a President to the nation. By such a course the country might be involved in great difficulty. The remedy appeared so obvious, and so immediately upon the surface of the subject, Mr. H. was surprised that it had not yet been suggested—it is only to apply the same rule to this that is applied to all other elections. On the failure of the first balloting to produce a choice, proceed to the second, and continue until the election is effected. Mr. H. said his resolution proposed that the Electors should not be discharged until they had fulfilled their commission; that, after the first balloting, if the choice was not made, they should be again convened, by proclamation of the President, in their respective States, or at the Seat of Government. We cannot shut our eyes to the fact that the country is rapidly increasing, and that the probability of effecting an election at the first balloting of the Electors will continue to diminish. In the State elections, there is often a failure to elect their officers at the first balloting; but the power is not then transferred to other hands. The consequences which this amendment provides against must happen, if something is not done to prevent them. If it is adopted, the President will then be, emphatically, the man of the people's choice; the door will then be shut against fraud and corruption, and all improper combinations will be prevented. Should Congress agree to the resolution, and the people adopt the amendment, it would not be too late for its application to the ensuing election. In seventeen of the States, the Legislatures will be in session in time to act upon it; and, in the others, the sessions may be anticipated for a few weeks for the purpose. But the merits of his proposition, Mr. H. observed, did not depend upon its effect on the ensuing election—it was intended for the future benefit of our country, whose liberties, he trusted, were founded on a basis so solid as to resist all encroachments, but those of time itself.

Leave was then granted to Mr. **HAYNE** to introduce the following resolution; which was read, passed to a second reading, and ordered to be printed:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

"If no person voted for, according to the Constitution, as President of the United States, shall have a majority of the votes of the whole number of Electors, then the President of the United States shall forthwith issue his proclamation, calling upon the Electors to convene at ——, on the —— day of —— thereafter, for the purpose of choosing a President; that the Electors, when so convened, shall choose, immediately, by ballot, a President of the United States, and a majority of the whole number of Electors shall be necessary to a choice.

"And should no person voted for, according to the Constitution, as Vice President of the United States, have a majority of the votes of the whole number of Electors, then the President of the United States shall forthwith issue his proclamation, calling upon the Electors to convene at ——, on the —— day of —— thereafter, for the purpose of choosing a Vice President; that the Electors, when so convened, shall choose, immediately, by ballot, a Vice President of the United States, and a majority of the whole number of Electors shall be necessary to a choice."

After the resolution of Mr. Hayne was read, Mr. Macon moved that all the resolutions proposing amendments to the Constitution, as well those offered at the last session as at the present, should be printed in a pamphlet; in order that the Senate might have one view of the whole. Mr. Dickerson then gave notice that he should, to-morrow, call up the proposition to amend the Constitution, which he proposed the last session. Mr. Holmes, of Maine, gave similar notice in regard to a resolution which he had offered; and Mr. Lloyd, of Massachusetts, in relation to an amendment, which he said was proposed by the honored and venerable gentleman from Virginia, (Mr. Taylor,) who had not taken his seat the present session. The motion for printing, proposed by Mr. Macon, was therefore postponed until to-morrow.

Tuesday, December 16.

William Kelly, from the State of Alabama, attended.

Mr. Holmes, of Mississippi, presented a petition of John McAllister, praying the confirmation of his title to a tract of a land. The petition was read, and referred to the Committee on Public Lands.

Mr. Ruggles presented the petition of Joseph Wood, praying compensation for his services rendered as receiver of a land office, the duties of which he performed during a vacancy in that office, in the year 1817. The petition was read, and referred to the Committee on Public Lands.

Mr. Findlay presented the memorial of a number of the citizens of the city and county of Philadelphia, praying a revision of the tariff, with a view to the protection of the manufactures of the United States; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. Johnson, of Louisiana, presented the petition of William Wilson, praying a proportion of the proceeds of a vessel and cargo, condemned, on his information, for a violation of the embargo laws. The petition was read, and referred to the Committee of Claims.

Mr. Johnson, of Louisiana, presented the petition of George de Passau, praying the confirmation of his title to a tract of land. The petition was read, and referred to the Committee on Public Lands.

Mr. Lloyd, of Maryland, presented a memorial of Robert Young and Richard Bland Lee, judges of the orphans' courts, in the District of Columbia, praying amendments to the testamentary laws of said District; and the memorial was read, and referred to the Committee on the District of Columbia.

Mr. Hayne presented the petition of Lewis A. Petray and Just Viel, praying the remission of duties on sugar and brandy, shipped at St. Augustine, when an American port, and landed at Charleston, in the State of South Carolina. The petition was read, and referred to the Committee on Finance.

Mr. D'Wolf submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of allowing drawbacks on all articles of domestic manufacture, the raw material of which is of foreign growth; with leave to report by bill or otherwise.

Mr. Eaton submitted the following motion for consideration:

Resolved, That the Judiciary Committee inquire if any, and what, amendments are necessary to an act entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices of both President and Vice President," passed the first of March, 1792.

Mr. Johnson, of Louisiana, submitted the following motion for consideration:

Resolved, That the Commissioner of the General Land Office be instructed to lay before the Senate all communications received by him, from the Register of the Land Office and Receiver of Public Moneys at St. Helena courthouse, in the State of Louisiana, touching their official duties, not heretofore communicated; and that he communicate all the information in his possession as to the causes which have delayed the adjustment of the land claims in said district.

A letter from the Hon. Mr. King, of New York, stating that ill health would prevent his attendance on the meetings of the Committee on Foreign Relations, and requesting to be excused from serving on that committee, was received and read, and Mr. K. was accordingly excused.

The resolution offered yesterday by Mr. Johnson, of Louisiana, instructing an inquiry into the expediency of providing, by law, for the final decision of certain unconfirmed claims, under French, British, and Spanish titles, to lands in the State of Louisiana, was again read, and adopted.

The resolution submitted yesterday by Mr. PARROTT, instructing an inquiry into the expediency of authorizing an additional number of sloops-of-war to be built, was again read and adopted.

The resolution offered yesterday by Mr. LLOYD, of Maryland, instructing an inquiry into the expediency of authorizing the settlement, on equitable terms, of the claims of Maryland against the Government of the United States, arising from advances during the late war, was again read and adopted.

The bill from the House of Representatives, to alter the time of holding the circuit court in the State of Alabama, was twice read, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the Military Bounty Lands, lying within the same, was twice read, and referred to the Committee on Public Lands.

The bill supplementary to an act to relieve persons imprisoned for debt, was taken up in Committee of the Whole, reported without amendment, and ordered to be engrossed, and read a third time.

AMENDMENTS TO THE CONSTITUTION.

Agreeably to notice, Mr. DICKERSON asked and obtained leave to introduce the following resolution, which was twice read, and referred to a select committee of five members; and Messrs. BENTON, HAYNE, DICKERSON, HOLMES of Maine, and KELLY, were appointed the committee:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

"That, for the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled, by the Constitution, to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. In each district the persons qualified to vote shall choose one Representative.

"That, for the purpose of choosing Electors of President and Vice President of the United States, the persons qualified to vote for Representatives, in each district, shall choose one Elector; and, at the same time, the two additional Electors to which each State is entitled, shall be chosen by the persons so qualified to vote, in such manner as the Legislature of the State shall direct. The Electors, when convened at the time and place prescribed by law, for the purpose of voting for President and Vice President of the United States, shall have power, in case any of them shall fail to attend, to choose an Elector or Electors, in place of him or them so failing to attend. The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall be adopted, and immediately after every future census and apportionment of Representatives, under the same; and such districts shall not be altered until a subsequent census shall have been taken, and an apportionment of Representatives under it shall have been made.

"That, when the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been transmitted to the seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall then open all the certificates, and the votes shall be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall, immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot; after which, a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; if no person have such a majority, then he shall be chosen by the Senate, as directed by the Constitution.

"That no person, who has been twice elected President of the United States, shall again be eligible to that office."

Agreeably to notice, Mr. HOLMES, of Maine, asked and obtained leave to introduce the following resolution, which was read twice, by unanimous consent, and referred to the committee last mentioned:

Resolved, by the Senate and House of Representatives of the United States of America in Congess assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the whole number of States, shall be valid, to all intents and purposes, as part of said Constitution:

"Questions of the validity of the election of President, shall be determined by the Senators and Representatives, in joint ballot. The President of the Senate shall preside; and a majority of each House shall constitute a quorum. The rules of proceeding shall be determined by law; but no rules shall have effect until two years after they shall have been made."

The resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, was read the second time, and referred to the select committee last appointed, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and it was referred to the committee last appointed, to consider and report thereon.

Ordered, That the resolutions of the last and present session, proposing amendments to the Constitution of the United States, be printed for the use of the Senate.

The resolutions proposed by Mr. Taylor, of Virginia, at the last session, were as follows:

"In Senate of the United States,
January 10, 1823.

Agreeably to notice given, Mr. Taylor, of Virginia, asked and obtained leave to introduce the following resolution, which was read, and passed to the second reading.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

"The Electors of a President and Vice President shall meet on the —— day of —— next preceding the expiration of the time for which the existing President may have been appointed, vote for a President and Vice President, according to the Constitution, and make two lists of all persons voted for, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, within —— days thereafter, to be opened and examined by him; and, if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States shall, forthwith, by proclamation, and also by notifications to the Executives of each State, publish the number of votes given to each person as President, whereupon the said Electors shall again meet on the —— day of —— next succeeding their first meeting, and vote for one of the two persons as President who shall have received at their first meeting the greatest number of votes for that office; or if it should happen that more persons than two should have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit one of the lists to be made at their first meeting, and also that to be made at their second, should it take place, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes, at the second meeting of the said Electors, the House of Representatives shall choose one of them for President, in the mode prescribed by the Constitution."

"*January* 28, 1823.

Mr. Taylor, of Virginia, from the Committee to which was referred a resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, reported the following new draught as a substitute therefor; which was read, and ordered to be printed for the use of the Senate.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be a part of the said Constitution:

"The Electors of a President and Vice President shall meet on the —— day of —— next preceding the expiration of the time for which the existing President may have been appointed; vote for a President and Vice President, and make two lists of the persons voted for to fill each office, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, or, if there is no President, to the person exercising the powers of the said office, within —— days thereafter, to be opened and examined by him; and if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States, or the person exercising the powers of the said office, shall, forthwith, by proclamation, and by notifications to the Executives of each State, publish the number of votes given to each person as President; whereupon, the said Electors shall again meet on the —— day of —— next succeeding their first meeting, and vote for one of the two persons, as President, who shall have received the greatest number of votes for that office, at their first meeting; or, if it should happen that more persons than two shall have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit the other list of votes for a President and Vice President, at their first meeting, and also the list of the votes for a President, at their second meeting, if it should take place, to the Seat of Government of the United States, signed and certified, under seal, directed to the President of the Senate, who shall open the said lists in the presence of the Senate and House of Representatives; and, if it shall appear that any person has been duly elected President of the United States, according to the Constitution, such person shall be the President; if not, and it shall appear that any person shall have received the greatest number, and also a majority of the votes of the said Electors, at their second meeting, he shall be the President. But, if it shall happen that no person is duly elected President of the United States, either at the first or second meeting of the said Electors, then the Senate and House of Representatives shall immediately, by ballot, each member of both Houses giving one vote, proceed to elect a President from the persons duly voted for at the second meeting of the said Electors. A majority of all the members present at the said joint meeting of the Senate and House of Representatives shall be necessary to a choice of the President of the United States, on the first ballot; after which, a plurality of said votes shall decide the election. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person shall have such majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President, as provided for by the Constitution."

Wednesday, December 17.

Mr. King, re-elected a Senator from the State of Alabama, appeared, was qualified, and took his seat.

Mr. **RUGGLES**, from the Committee of Claims, to which was referred, on the 15th instant, the bill entitled "An act appropriating a sum of money for the relief of Daniel D. Tompkins," reported the same without amendment.

Mr. **BENTON** presented the memorial of the Legislature of the State of Missouri, praying the organization of a tribunal for the adjudication of unconfirmed claims to lands, and that a duty may be imposed on imported lead. The memorial was read, and referred to the Committee on Public Lands.

Mr. B. presented a memorial of the Legislature of the Territory of Arkansas, praying a modification of their western boundary line, for reasons stated in the memorial; which was read, and referred to a select committee, to consider and report thereon; and Mr. **BENTON**, Mr. **KING**, of Alabama, and Mr. **LOWRIE**, were appointed the said committee.

Mr. **EATON** presented the petition of James Jackson, and J. C. McLemore, of Tennessee, securities for the late Robert Seacy, Paymaster in the Army, for West Tennessee, praying an act may pass authorizing the equitable settlement of his accounts. The petition was read, and referred to the Committee on Military Affairs.

Mr. **LOWRIE** presented the memorial of the Synod of Philadelphia, expressing their views in relation to the civilization of the Indians, and their earnest hope that the appropriations made for that object may be continued. The memorial was read.

Mr. **HOLMES**, of Maine, presented the petition of Comfort Smith, praying that a pension may be granted to her husband, Noah Smith, a soldier of the Revolution, whose insanity has been the sole reason for his not obtaining it. The petition was read, and referred to the Committee on Pensions.

Mr. **HAYNE** presented the petition of Francis Henderson, in behalf of himself and the heirs of Colonel John Laurens, deceased, praying that certain errors, alleged to have been committed in the settlement of the accounts of the said Laurens, may be corrected, and that the balance due may be paid. The petition was read, and referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. **LLOYD**, of Maryland, presented the petition of Joseph Forrest, praying indemnification for the loss of a vessel, chartered by the Government, and condemned in consequence of her improper detention by its agent. The petition was read, and referred to the Committee of Claims.

The bill, supplementary to the act, entitled "An act for the relief of persons imprisoned for debt," was read a third time, and passed.

Resolved, That the bill pass, and that the title thereof be, "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt."

The Senate resumed the consideration of the motion of the 16th instant, to inquire into the expediency of allowing drawbacks on all articles of domestic manufacture, the raw material of which is of foreign growth; and agreed thereto.

On motion, by Mr. **DICKERSON**, two members were added to the committee to which was referred the resolutions proposing amendments to the Constitution of the United States; and Mr. **KING**, of New York, and Mr. **MACON**, were accordingly appointed.

The Senate resumed the consideration of the motion of the 16th instant, requiring information from the Commissioner of the General Land Office; and agreed thereto.

The Senate resumed the consideration of the motion of the 16th instant, to inquire into the expediency of amending the "Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices of both President and Vice President," passed the first of March, 1792; and agreed thereto.

Mr. **BENTON** gave notice that he should ask leave to introduce a bill for the relief of Taylor Berry.

Mr. **MILLS** was appointed a member of the Committee on Foreign Relations, in the place of Mr. **KING**, of New York, who, at his own request, was excused from acting on that committee.

THURSDAY, December 18.

Mr. **JOHNSON**, of Louisiana, presented the memorial of Charles Morgan, praying the confirmation of his title to a tract of land. The memorial was read, and referred to the Committee on Public Lands.

Mr. **HAYNE** presented the memorial of a number of the banking institutions of Charleston, South Carolina, and others, praying the repeal of the 14th section of the act incorporating the Bank of the United States.—The memorial was read, and referred to the Committee on Finance.

Mr. **LLOYD**, of Massachusetts, from the Committee on Naval Affairs, submitted a report on the petition of William and Henry Gray, of Boston, who ask the interposition of Government in their favor, in the case of the capture of the brig Otter, and her condemnation by the Spanish authorities at Porto Rico. The committee, after stating the facts in connexion with the case, recommend its reference to the Department of State, that such measures may be taken thereon as the rights of the citizens of the United States, and the interests and dignity of the Government, may to the Executive appear to require.

Mr. **JOHNSON**, of Kentucky, presented the petition of John Frank, praying remuneration for the loss of his property, occasioned by the conflagration of the building occupied by him as a messenger, and owned by the United States, in the year 1814. The petition was read, and referred to the Committee of Claims.

Mr. **LLOYD**, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, in the armed vessels of the United States.

On motion, two members were added to the committee to which was referred, on the 17th instant, the memorial of the Legislature of the Territory of Arkansas, on the subject of their boundary line; and Messrs. **Jackson** and **Mills** were appointed accordingly.

DANIEL D. TOMPKINS.

The bill for the relief of Daniel D. Tompkins was taken up in Committee of the Whole. Mr. **Ruggles**, chairman of the Committee on Claims, stated that this bill merely provided an appropriation of $35,190, which had been found, by the proper accounting officers, under an act of the last session of Congress, to be due to Mr. Tompkins; that the accounts had come under the revision of the President, and that he had signified his opinion on the subject by a special message to Congress. In that message, it would be recollected, that a further sum was supposed to be due to Mr. Tompkins, the investigation of the accounts having been delayed at his own request.

The bill was then reported without amendment, and ordered to be read a third time. On motion of Mr. **Smith**, the bill received its third reading, by general consent, and was passed.

FRIDAY, December 19.

Mr. **D'Wolf** presented the memorial of the President and Directors of the Merchants' Bank of Newport, Rhode Island, praying that a portion of the stamp duties paid by that institution into the Treasury, in the year 1817, may be refunded, for reasons stated in the memorial; which was read, and referred to the Committee on Finance.

Mr. **Noble** presented the memorial of the General Assembly of the State of Indiana, praying the organization of an additional circuit, of which that State shall form a part; or, that the said State may be attached to the circuit, of which Ohio and Kentucky are component parts.—The memorial was read, and referred to the Committee on the Judiciary.

On motion, by Mr. **Benton**, the memorial of the General Assembly of the State of Missouri, relative to the extinguishment of the Indian title to lands within that State, accompanying the Message of the President of the United States of the 7th of February, 1823, was referred to the Committee on Indian Affairs, to consider and report thereon.

Mr. **Eaton** presented the memorial of William Williamson, and others, officers engaged in the expedition against the Seminole Indians in the year 1818, representing that an erroneous construction has been given, by the accounting officers of the Treasury Department, to an act of Congress of May 4, 1822, intended for their benefit, and praying relief.—The memorial was read, and referred to the Committee on Military Affairs.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of 28th January, 1818, I herewith transmit to Congress the report of the Commissioner of Public Buildings, showing the expenditures on public buildings, and other objects committed to his care, during the present year.

JAMES MONROE.

The Message was read, and referred to the Committee on the District of Columbia.

The Senate resumed the consideration of the motion of the 18th instant, to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, in the armed vessels of the United States; which was amended, and agreed to as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, or carrying of passengers, in the armed vessels of the United States.

The Senate proceeded to consider the report of the Committee on Naval Affairs, on the memorial of Henry Gray and William Gray; and, in concurrence therewith, the memorial was referred to the Department of State, in order that such measures may be taken thereon as the rights of the citizens of the United States, and the interests and dignity of the Government, may to the Executive appear to require.

MONDAY, December 22.

The **President** communicated a report of the Commissioner of the General Land Office, made in compliance with a resolution of the Senate of the 17th December, instant, in relation to the delay which has arisen in the adjustment of land claims in the St. Helena land district.—The report was read, and referred to the Committee on Public Lands.

Mr. **Findlay** presented the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of the General Government to the undertaking in which they are engaged.—The memorial was read, and referred to the Committee on Roads and Canals.

Mr. **Edwards** presented the petition of William Eaton, praying an act may pass authorizing the equitable settlement of his accounts.—The petition was read, and referred to the Committee of Claims.

Mr. **Macon** presented the petition of Hadrianus Van Noorden, stating that he has claims against the Government of France for the illegal capture of two vessels, in the years 1796 and 1797, and praying relief.—The petition was read, and laid on file.

Mr. **Lowrie** presented the memorial of Daniel Smith, president of the Insurance Company of Pennsylvania, and others, stating that they have suffered extensive losses by captures, seizures, and condemnations, under the authority of the French Government, for which they have hitherto been unable to obtain indemnity, and praying the interposition of the General Government in their behalf.—The memorial was read, and referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Louisiana, presented the memorial of Isaac A. Smith, and others, of Florida, praying that the right of pre-emption may be extended to certain settlers on the lands of the United States.—The memorial was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, presented the memorial of William W. Montgomery, praying that a balance on the books of the Treasury, in favor of Michael Reynolds, as late marshal of the United States for the Louisiana district, who has died insolvent, may be paid to the memorialist, or applied to the discharge of claims for which he is liable, as the surety of the said Reynolds, for the faithful performance of his official duties.—The memorial was read, and referred to the Committee of Claims.

Mr. SMITH, of Maryland, submitted the following motion for consideration.

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement, showing the exact amount which will be due and payable to the Commissioners of the Sinking Fund, on the first day of February, 1825.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Charles M. Collier," in which they request the concurrence of the Senate.

Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 9th instant, the petition of Hanson Kelly, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

TUESDAY, December 23.

Mr. SMITH presented the petition of George Greer, praying a pension. The petition was read, and referred to the Committee on Pensions.

Mr. HOLMES, of Maine, presented the petition of Joseph Leland and others, merchants, ship-owners, and ship-masters, interested in the navigation of Saco river, in the State of Maine, praying that a pier may be erected, and buoys placed, at the mouth of said river. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON, from the committee to which was referred, on the 18th instant, the bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," reported it without amendment.

Mr. JOHNSON, of Louisiana, presented the memorial of Thomas Shields, purser in the Navy of the United States, praying a release from the United States of their moiety of the proceeds of a prize cargo, captured, and prosecuted to condemnation at his expense. The memorial was read, and referred to the Committee on Naval Affairs.

Mr. BENTON presented the petition of Taylor Berry, praying that he may be allowed to release his title to a tract of land, in Missouri, derived from the United States, but contested at law; and that he may enter, in lieu thereof, an equal quantity of public land. The petition was read, and referred to the Committee on Public Lands.

Mr. SMITH gave notice that, to-morrow, he should ask leave to bring in a bill to revive, and continue in force, An act, passed on the 3d March, 1815, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United Sates in foreign vessels and vessels of the United States;" and, An act, passed 20th April, 1818, entitled "An act concerning tonnage and discriminating duties in certain cases;" and, An act in addition thereto, passed on the third day of March, 1819.

The bill, entitled "An act for the relief of Charles M. Collier," was read the second time, and referred to the Committee of Claims.

The resolution submitted yesterday by Mr. SMITH, of Maryland, directing the Secretary of the Treasury to lay before the Senate a statement of the exact amount that will be due and payable to the Commissioners of the Sinking Fund, on the first day of January, 1825, was read for consideration.

Mr. SMITH said, that, as the first loan made during the late war, became due at the time named in his resolution, he wished to know what amount the Treasury would be bound to pay to the Commissioners of the Sinking Fund on that day. The President had stated, that there would be nine millions of dollars in the Treasury at that time. Many gentlemen, perhaps, suppose that sum to be yet unappropriated; but Mr. S. believed a considerable part of it would fall due to the Sinking Fund, and he wished to know the exact amount.

The resolution was agreed to.

The report of the Committee of Claims, unfavorable to the petition of Hanson Kelly, was taken up.

Mr. MACON moved to reverse the report: which motion was supported by himself and by Messrs. SMITH and BRANCH; and was opposed by Mr. RUGGLES. On motion of Mr. HAYNE, the report was laid on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I herewith transmit to Congress a statement, by William Lambert, explanatory of his astronomical calculations, with a view to establish the longitude of the Capitol.

JAMES MONROE.

WASHINGTON, *December* 23, 1823.

The Message and document therein referred to were read.

WEDNESDAY, December 24.

Agreeably to notice, Mr. SMITH asked and obtained leave to bring in a bill to revive and continue in force certain acts relative to discriminating duties on imports and tonnage; which was read twice, by unanimous consent, and referred to the Committee on Finance.

Mr. HOLMES, of Maine, presented the petition of Josiah Hook, collector of the port of Penobscot, praying to be indemnified against a judgment obtained against him for the seizure of provisions, with which it was attempted to supply the enemy during the late war. The petition was read, and referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same;" and, no amendment having been made, it was reported to the House, and ordered to a third reading.

Mr. VAN BUREN gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

The Senate adjourned to Friday.

FRIDAY, December 26.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt," with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey;" also, a bill, entitled "An act for the relief of Thomas W. Bacot;" in which they request the concurrence of the Senate.

The bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," was read twice, by unanimous consent, and referred to the Committee of Claims.

The bill, entitled "An act for the relief of Thomas W. Bacot," was read twice, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 23d instant, the bill, entitled "An act for the relief of Charles M. Collier," reported it without amendment.

Mr. SMITH, from the Committee on Finance, to which was referred, on the 24th instant, the bill "to revive and continue in force certain acts relative to discriminating duties on imports and tonnage," reported the same, with amendments; which were read.

Mr. BARTON submitted the following resolution for consideration:

Resolved, That the Committee on Public Lands inquire into the expediency of exposing to public sale the lead mines and salines of the United States; and, if such sales be deemed expedient, that they then inquire whether any further provision by law be necessary for the purpose of acquiring and diffusing among the people of the United States a more general knowledge of the situation and value of those mines and salines, prior to such sales.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Postmaster General be instructed to communicate to the Senate all the information in his possession, as to the condition of the National road, commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river; and as to the expediency of transporting the mails to and from New Orleans on the said route.

Mr. EATON submitted the following motions for consideration:

Resolved, That, where any vacancy happens in any of the offices of the Senate, the vacancy shall be supplied by ballot of the members present.

Resolved, That the Senate will, on the —— day of ——, by ballot, elect the Secretary of the Senate, the Sergeant-at-Arms, and Doorkeeper, Assistant Doorkeeper, together with the principal and other clerks; and on the third day of each and every Congress they will, in like manner, appoint those officers.

Mr. KING, of New York, presented the petition of Mitchener Cadwallader, stating that he is engaged in the publication of a periodical journal, entitled "The Archives," and praying authority to take copies for the same, of all State papers under the control of Congress, and such other facilities towards the prosecution of his design, as may be deemed expedient. The petition was read, and referred to the Committee on the Library.

Mr. JOHNSON, of Louisiana, presented the memorial of Walter S. Chandler, a citizen of the United States, praying the payment of five final settlement certificates, burnt in the year 1790, while in his possession.—Referred to the Committee of Claims.

Mr. KING, of Alabama, presented the petition of Andrew Henshaw, deputy surveyor of the public lands, praying the payment of an account for services in that capacity, the amount of which has been wrongfully withheld by the late surveyor of the lands of the United States south of Tennessee. The petition was read, and referred to the Committee on Public Lands.

The Senate proceeded to the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to an act, entitled 'An act for the relief of persons imprisoned for debt;" and it was referred to the Committee on the Judiciary.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Hanson Kelly, together with the amendment proposed thereto; and, on motion by Mr. CHANDLER, it was recommitted to the Committee of Claims, with instructions to inquire whether it was not the duty of the marshal to call on the contractor for the district to furnish rations for the prisoners of war, during the late war; and whether there was not a contractor for furnishing rations for the district of North Carolina; and whether the marshal was authorized to contract for rations for prisoners of war, where there was such a contractor; and whether the contract between the marshal of North Carolina and Hanson Kelly was a written contract; and to obtain from the commissary of prisoners and Secretary of War such other information relating to said contract as they may be able to give.

The bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," was read a third time, and passed.

Mr. MILLS gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

MONDAY, December 29.

Mr. FINDLAY presented the petition of John Meen, and others, citizens of Philadelphia and its vicinity, praying a modification of the tariff, for the purpose of protecting the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the memorial of John Holling, president of the Maryland Insurance Company, and others, underwriters and merchants of the city of Baltimore, stating that they have claims against France for the illegal seizure and sequestration of property, to a large amount, and praying the interposition of the Government in their behalf. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. KING, of Alabama, presented the petition of John Forbes and Company, praying the confirmation of their title to a tract of land, situated on the Tensa river. The petition was read, and referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the petition of Nicholas Cook, agent for the heirs of Nicholas Baudin, praying the confirmation of their title to a tract of land. The petition was read, and referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the memorial of the heirs of Joseph Chastang, praying the confirmation of their title to a tract of land. The memorial was read, and referred to the Committee on Public Lands.

Mr. BARTON presented the petition of John Hall, representing that he is confined in jail on a judgment rendered against him at the suit of the United States, in the district of Missouri; and praying to be discharged from imprisonment. The petition was read, and referred to the Committee on the Judiciary.

On motion by Mr. MACON, the petition of Hadrianus Van Noorden, presented on the 22d inst., was referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. LANMAN, from the Committee on the Post Office and Post Roads, to which was referred the bill, entitled "An act for the relief of Thomas W. Bacot," reported the same without amendment.

Mr. HAYNE submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard at Charleston, South Carolina, for the building and repairing of sloops of war of an inferior class.

Mr. KING, of Alabama, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting a pre-emption to one quarter section of land to each of the counties of Bibb, Conecuh, Henry, Pike, and Covington, in the State of Alabama, for the location of their respective seats of justice.

The resolution offered on Friday last, by Mr. BARTON, proposing inquiry into the expediency of exposing to public sale the lead mines and salines belonging to the United States, was again read, and agreed to.

The resolution offered on Friday, by Mr. EATON, providing for the biennial elections of the officers of the Senate, was postponed till to-morrow.

The resolution submitted on Friday last, by Mr. JOHNSON, of Louisiana, calling upon the Postmaster General for information respecting "the condition of the National road, commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river, and as to the expediency of transporting the mails to and from New Orleans, on the said route," was again read, and agreed to.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" a bill, entitled "An act for the relief of Brintnel Robbins;" also, a bill, entitled "An act for the relief of Loudon Case;" in which they request the concurrence of the Senate.

The bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," was read twice, by unanimous consent, and referred to the Committee on Naval Affairs.

The bill, entitled "An act for the relief of Brintnel Robbins," was read twice, by unanimous consent, and referred to the Committee of Claims.

The bill, entitled "An act for the relief of Loudon Case," was read twice, by unanimous consent, and referred to the Committee of Claims.

DUTIES ON IMPORTS AND TONNAGE.

The bill to revive and continue in force certain acts relative to duties on imports and tonnage, was taken up for consideration.

Mr. SMITH, from the Committee of Finance, rose to state to the Senate the objects of this bill. He said the subject was probably generally understood by members; but, as some might not have had the time to pay that attention to the subject which its importance required, he hoped to be pardoned for attempting to explain it. On the adoption of the Constitution of the United States, it was soon perceived that the navigation of the country was prostrated; and that our trade was carried on, almost exclusively, by foreign shipping. Under these circumstances, it became necessary that Congress should adopt some measure to give encouragement to our own shipping; and a law, proposing to give our commerce the necessary advantages over that of foreign nations, in our own ports, was passed. This law established a tonnage duty of six cents on the American vessel, and fifty cents on the foreign, and also an import duty of 10 per cent. in favor of the shipping of the United States. These two provisions, it was then believed, would operate so favorably as to induce American merchants to build vessels, and this expectation was abundantly realized. The commerce of the country made such rapid progress under the system, as to render it very little necessary. All the expected advantages were reaped from this law, so long as the principle remained untouched by foreign nations. But, their attention was finally turned towards it. England observed the great advantages that resulted from our discriminating duties; and, in a subsequent treaty with us, she reserved to herself the right to countervail these duties, which she afterwards did. At the time she instituted her countervailing duties, our then Minister in England wrote a letter to the Government, suggesting the propriety of taking some measures on the subject, before England had time to taste the sweets of this policy. About the year 1801, the subject was brought forward in Congress, and the necessity of doing away all countervailing duties, by admitting, on terms of reciprocity, the vessels of all nations who were willing to adopt the same policy in regard to us, was explained. But the attempt did not succeed; people could not be made to extend their views to the time when the European wars should cease, and the nations left free to retort upon us, for our discriminating system. But, at last, the peace of Amiens took place, and that event opened the eyes of our people. It showed us that British ships would get all the employment, while we retained our discriminating law. They could carry goods the whole amount of freight cheaper than our vessels. War again commenced; and, so long as it continued, our system did us no harm. But when peace again returned, it was soon found what would be the result of our policy. It was in 1815 that the act passed repealing all discriminating duties on the vessels of those nations which would admit ours on terms of reciprocity. Mr. S. enumerated subsequent laws which had passed, defining the operation of the act, in relation to our trade with the colonies of other countries, with the Hanse towns, &c. In the last act they had all been continued in operation till the 1st of January, 1824, and the law now before the Senate proposed still to continue them in force. The law which was passed, introducing the principle of reciprocity in regard to the Netherlands, was met by their Government with a corresponding spirit; but they have since made a law of a discriminating nature, from the supposition that we intended to give up the system of reciprocity. But, Mr. S. said, he had been informed by their chargé d'affaires that the revival of this act on our part would produce the repeal of their late law. The importance of acting immediately on this subject, in consequence of the proximity of the period when the former acts in relation to it would expire, Mr. S. said, had induced him to present the objects of the bill to the Senate at this time.

Mr. LLOYD, of Massachusetts, said he regretted extremely the necessity of acting with so much haste upon a subject of this importance. The acts proposed to be continued in force, he knew, provided for the admission of the commerce of foreign nations upon the same footing as they admit ours. But, the amendments which had been proposed to this act, by the committee to whom it was referred, Mr. L. had not seen until he found them on his table this morning. He did not know that they would go any further than had been stated by the honorable gentleman from Maryland. If they went no further than to continue in force the present acts of reciprocity, he would cheerfully vote for them; but, of one part of the proposed bill, he felt a little doubtful. Mr. L. read a clause of the bill, which he thought would require that the trade with the colonies of foreign nations should be placed on the same footing as the trade to the mother countries. This provision he was averse to, as the trade to the colonies had always been regulated by the Governments to which they belonged. The law of 1815, was a very just and proper law; that law only made it the duty of the Executive to ascertain upon what terms our commerce was admitted by other nations, and then to reciprocate those terms and abolish the discriminating system. The view which the gentleman from Maryland had taken was correct. It was true that, at the end of the Revolutionary war, our commerce was prostrated, or rather that it was non-existent. We had, with the utmost exertion, thrown off the trammels of the mother country; and we came out of that struggle in a state of exhaustion. In this state we were left to feel our own way—we were without experience. It was not wonderful, then, that our commerce was paralyzed—it could hardly be otherwise. Among other expedients to give it life, the system of discriminating duties was adopted. Our commerce began to flourish, and unrivalled success attended it. Very shortly after, indeed almost at the same moment, the French revolution took place, a revolution which convulsed the whole world. This event threw a very great proportion of trade immediately into our hands. Mr. L. thought this a greater cause of the prosperity of our commerce, than any discriminating duties laid by us. Afterwards it had been thought proper to renounce the discriminating system and to adopt a fair and broad principle of reciprocity. The expediency of this measure had been fully proved—there could be no doubt of it—experience had tested it. Into that system Great Britain had reluctantly entered. Notwithstanding the equal terms upon which her ships were admitted to our ports, not one in twenty of the vessels which arrive with foreign goods are foreign vessels. She would not have adopted it, unless she had gained corresponding advantages in her trade with us. Mr. L. said he would agree to the bill now proposed, if it only went so far as to continue the former acts of reciprocity; but he feared it went further; that it required not only the trade to the European, but to the colonial ports also, to accord with its principles. To this requisition neither Great Britain nor France would submit; and it would only have a tendency to bring upon us a vexatious war of discriminating duties.

Mr. SMITH briefly replied. He did not think the words of the bill would warrant the conclusion drawn by the gentleman from Massachusetts.

Mr. KING, of New York, made some few remarks on the subject, which were not heard distinctly.

Mr. HAYNE returned his thanks to the gentleman from Maryland for his able remarks upon the commercial history of the country; but confessed that he felt unprepared to act on this subject at this moment. He had only seen the bill for the first time this morning. He moved, therefore, that the subject should be postponed until to-morrow; and, in the meantime, the honorable member from Massachusetts would have an opportunity to satisfy his doubts upon the tendency of the bill, and he himself would have time for further inquiry.

Mr. HAYNE's motion prevailed, and the further consideration of the subject was postponed till to-morrow.

AMENDMENT TO THE CONSTITUTION.

Mr. MILLS, of Massachusetts, rose to ask leave, in pursuance of notice which he had given on Friday last, to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in regard to the election of President and Vice President. Previously, however, to the question, on granting leave being put, Mr. M. said he would, by the indulgence of the Senate, state the substance of his proposition, and, very briefly, some of the reasons which had induced him to offer it. The Constitution should be approached with great caution. He deprecated too frequent attempts to amend it, as calculated to derange its nicely adjusted powers, and to lessen the respect and veneration which all should cherish for that instrument. It was the work of men's hands, and therefore not perfect; but still ought not to be subjected to all the varying changes which temporary inconvenience may suggest, nor should alterations be made as an expedient to effect a momentary and perhaps imaginary good. For several successive sessions of Congress, Mr. M. said, efforts had been made to procure amendments in relation to this subject, and at the present session, those efforts had been renewed with increased zeal, and multiplied beyond all former example. After the various propositions which have been submitted to the Senate, it would be almost impossible to present any project which should bear the stamp of novelty, or which had not before occurred to others. He had, therefore, not attempted it, nor had he relied upon his own wisdom or invention in the amendment he was about to propose; but had resorted to the united wisdom of that illustrious band of patriots and statesmen, who devised and framed the excellent form of Government, under which we have enjoyed so much prosperity and happiness; and which, by a wise and prudent administration of our rulers, and intelligence and integrity among the people, was calculated to continue and perpetuate those blessings. He wished then, to return to the good old ways of our political fathers, and to reinstate in the Constitution its original provision for the choice of President and Vice President of the United States. This, Mr. M. said, was the whole of his proposition. It had met the sanction of the enlightened assembly to which he had alluded, and the conventions of the several States; it had been tested by experience, and seemed better calculated in time to come to to effect a choice by the Electors appointed for that purpose, and above all, to secure for the *second* office in the Government those qualifications and endowments, which, in a good degree, fit him for the *first*. The illustrious body of men who framed our Constitution, had difficulties of no small magnitude to encounter; local prejudices were to be removed; conflicting interests to be reconciled; the jealousy of the small States assuaged, and the power and influence of the large States restrained, and it was only by mutual sacrifices for the common good, that a system of compromise and concession was at length effected. Among those difficulties, the organization of the Executive department, the powers with which it should be invested, the number of which it should be composed, and the manner which it should be appointed, were not the least formidable. Upon this subject, they moved in a new and untried path, and were to be guided only by the light of their own minds, and a knowledge of the institutions of their country. The history of other republics, ancient or modern, afforded them no aid; for, although confederacies of free States had existed in different ages of the world, both in ancient and modern times, yet, in none of them had there existed a common permanent head, vested with Executive powers only, for the administration of the civil as well as military part of the Government, and appointed in any manner adapted to the genius of our people. This part of their duty, therefore, had called forth the most minute investigation and full discussion in that body. A recurrence to the history of those times, and to the journals of that Convention, would show that the plan adopted was not the only one submitted to their consideration; that various projects were offered, both in relation to the organization and duration of the office; that, at one time, it was proposed he should be elected by the Governors of the States, and that, for a long time after the first draught of the Constitution was submitted, it seemed to be determined that the Executive should be chosen by the Legislative branch of the Government; and this plan remained unaltered until about the time the Constitution was reported in its final shape. Until near this time, too, it was undecided by what number of individuals the Executive power should be exercised—whether by one or more; whether such an office as that of Vice President should be created, or what should be his duties. From the various projects which were before them, and surrounded as they were with such numerous difficulties, the authors of the Constitution devised a plan for the election of President and Vice President, which secured the hearty concurrence of the people. For, although almost every other part of that instrument met with the warmest opposition, and particularly the powers vested in the Executive, yet it is believed that his mode of appointment escaped even the animadversion of its enemies.

For what purpose, asked Mr. M., was the office of Vice President created? Was it that he might preside over the meetings of this House? No sir. If that had been the case, we should be left, like most other legislative bodies, to appoint our own presiding officer. The Constitution had in view that he might be called upon, in certain events, to exercise the high and important functions of the chief Executive Magistrate. Hence, it provided that he should be voted for as President of the United States, from among the candidates for that high office. This mode of election clearly shows that his business in the Government, and the chief reason of his appointment, was not merely to conduct the deliberations of the Senate. The first officer in the Government might be arrested in the midst of his career, by the arm of death; sickness might destroy his faculties; the visitation of Providence might prostrate in ruins his intellectual powers; he might be removed by impeachment, or voluntarily retire from his arduous duties. In either of these events, the Executive authority must be administered by some individual, and the mode of election pointed out by the Constitution, as it originally stood, would always secure to the country, in the second office of the Government, the services of an enlightened citizen, elected with a view to his qualifications for the first office, and presumed to be capable of discharging its high and important duties. If this was the object for which he was elected, Mr. M. contended, that, reasoning *a priori*, that object would be much more likely to be effected, and with greater facility and security, in the mode originally pointed out in the Constitution. To accomplish the end in view, the Convention had provided, that the Electors should meet in their respective States, and vote for two persons, one of whom, at least, should not be an inhabitant of the same State with themselves; that the person having a majority of the votes of the Electors should be the President, and the person having the next highest number of votes should be the Vice President; presuming, that, as both would be voted for, without designation, as President, both would be worthy of the office, and competent to perform its duties. Experience has sanctioned the correctness of this theory, and proved the conclusion of their reasoning to be well founded. So long as that provision remained a part of the Constitution, and two persons were voted for, without designation or distinction, the person filling the office of Vice President was, invariably, at a subsequent election, elevated to the Executive chair. But, since that provision has been altered, and the Electors have been called upon to designate, by their votes, a person for a secondary and inferior office, other views and other considerations, have influenced his selection—without the hope or expectation of any further advancement.

But, Mr. M. said, the propriety of the original mode of election was not only evident from the deductions of reasoning, and the voice of experience, but it was fully confirmed by the prospect of the future, and especially by the prospect immediately before the nation. An election is rapidly approaching; and, although a constellation of worthies have been for months, and, he might say, for years, presented to the people, as candidates for the Presidential chair, what single individual has yet been seriously named to fill the office of Vice President? While no small excitement exists in the public mind in relation to the one, there was, as far as he knew, an utter apathy and indifference in relation to the other. What, then, Mr. M. asked, would be the probable result of the two modes, at the approaching election? Suppose all these distinguished personages should be candidates, one only could be chosen to office; because, the friends of neither, under the present system, would probably consent that their favorite candiate for the Presidency should be held up, *eo nomine*, for the Vice Presidency. But, if the Constitution had remained in its original form, in all probability, two of them might be elected—one to the first, and another to the second office. You would then have a person for Vice President, capable, at least in the opinion of a plurality of the Electors, of discharging the duties incumbent on the President, and who had received their suffrages as such.

The leading object avowed by gentlemen who now propose amendments to the Constitution, is to prevent the election of President from devolving on the House of Representatives.

Mr. M. said that, if the view he had just presented was correct, the event, so much and so justly deprecated, would be much less likely to occur, under the Constitution as originally adopted, than in its present shape. In the various combinations of ballots which would result from voting for two persons for the same office, it would be almost certain that one of them would be elected President, and as the person having the next highest number, though not a majority, would be deemed to have a sufficient support to entitle him to the second office, as standing second in the confidence of the people, the election of both would be secured. Surely this would be a much better arrangement than that half a dozen candidates should be contending for the first office alone, neither of whom could have the second, and that, too, with very little prospect of either succeeding by the Electoral vote. Mr. M. put it to the Senate, whether this was not a fair view of the prospect immediately before us. Should the approaching election be conducted in the mode pointed out by the amendment which he was about to submit, very little doubt would be entertained that a choice would be effected, without the intervention of the House of Representatives. But, under the present mode, there was not, he said, probably, an honorable gentleman in the Senate who indulged a reasonable hope that this would be the result. To those, therefore, who wish to avoid so disastrous event, Mr. M. appealed for their support of the proposition he was about to submit, and to unite with him in restoring the Constitution to its original form.

Mr. M. said, that the object which he mainly had in view, was to reinstate in the Constitution the mode originally prescribed for the Electors to give in their votes. If this object should meet the countenance of the Senate, some of the amendments which have been proposed by other gentleman, may, nevertheless, be engrafted upon it. He did not intend, nor perhaps would it be proper, to go into an argument respecting other propositions which had been offered, and which were now before the Senate. He begged leave, however, to submit a few remarks upon those parts of other plans which might be connected with or are hostile to his own proposition. The districting system, if approved, might be incorporated with the plan he was about to propose. But Mr. M. thought there were strong arguments against the amendment which proposed to district the whole country for the choice of Electors. One of its professed objects is, to secure the choice of Electors to the people, without any control of the States. If the election of the Federal Executive is to be made by the popular will, it is obvious that justice requires that the people in every part of the Union should be placed upon the basis of equality, so that the citizens of one State should enjoy as great a share of this privilege, as the citizens of another. Widely different, however, would be the operation of this system. Great inequality would be produced. The State of Rhode Island, for instance, with a population of a little over eighty thousand, is entitled to four Electors, and would, therefore, be divided into four districts, each district containing about twenty thousand; while the State of New York, entitled to thirty-six Electors, and divided into thirty-six Electoral districts, would have a population of forty thousand in each district. The argument, therefore, is fallacious and delusive, which holds this system as one of equality. There would, in fact, be as much inequality in this mode, as in an election by the House of Representatives; or, at least, a proportional inequality; for, it is obvious that a majority of the Electors might be chosen by a minority of the people.

So in regard to the amendment proposed by the honorable member from Missouri, (Mr. BENTON,) giving the election of President and Vice President immediately to the people, by which each State is to be divided into districts, and each district to have one vote, and that vote to be decided by a majority of the people, in their primary assemblies. By this plan, too, a minority of the people may not only govern the votes of a State, but determine the election of a President. Mr. M. said that, to illustrate the truth of this position, the more familiarly, he would again take the example of a small State. The State of Delaware would be divided into three districts, each district having one vote. Suppose that each of these districts should contain one thousand voters; that in one district they should be unanimous for A; that in the two other districts A should have four hundred and fifty votes, and B five hundred and fifty. Here, then, the people of the State of Delaware would cast nineteen hundred votes for A, and eleven hundred only for B; and yet, B would count two votes for President, in Delaware, and A only one. In addition to this objection, it would always be productive of great public excitement, if the election should be given immediately to the people, without the intervention of Electors. Experience has proved the truth of this remark. In those large States of the Union, where the Executive is elected by the people, and especially if his term is of more than one year's duration, there is much more public excitement, animosity, and bitterness produced, than in small States, where the office is of less importance.

The proposition of the honorable gentleman from South Carolina, (Mr. HAYNE,) Mr. M. said, had many reasons to recommend it. But there was one provision in that amendment, to which he could not yield his assent. It provides that, when the choice is not effected by the Electors, at their first balloting in their respective States, the power of electing shall again return to them, all of whom, for this purpose, shall be convened in one place. Here would be the same opportunity for intrigue, cabal, and corruption, and the same inconveniences which attend an election by the House of Representatives. Mr. MILLS begged pardon of the Senate for any apparent transgression of Parliamentary rule, by even the slight consideration which he had given to the former propositions for amendment, which he had done only for reasons before stated. Believing, however, as he did, that the restoration of the Constitution to its original form, in regard to this important subject, would add to the stability of the Union, enhance the respectability of the Executive, by securing to the people the services of two of her most respected citizens in the two highest officers of the Government, and have a strong tendency to prevent the necessity of an election by the House of Representatives, he asked leave to introduce a joint resolution to that effect.

Leave was accordingly granted, and Mr. MILLS introduced the resolution as follows:

***Resolved, &c.*, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of said Constitution:**

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit,

sealed, to the Seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors, shall be the Vice President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Mr. Van Buren, of New York, rose and said, that pursuant to the notice he had heretofore given, he would now ask leave to introduce a resolution proposing an amendment of the Constitution of the United States on the subject of the election of President and Vice President of the United States. Should the permission he asked be granted, it was his intention further to move that the resolution he offered be referred to the select committee already appointed on similar propositions. To enable that committee better to appreciate his views, as well as to explain the motives which had induced him to add to the number of propositions on the same subject already before them, he would, in the remarks he intended to make, refer to those propositions, and notice their respective contents. He would do this, not for the purpose of full discussion, but only so far as was necessary to mark the difference between them and the one he designed to offer, and for a brief explanation of the principles upon which that difference is founded. Before he proceeded to that object, he would add his humble testimony to the justice of the remark, that the extreme difficulty which is experienced in every attempt to improve the present Constitution, afforded the most striking evidence of the great wisdom and care which presided over the deliberation and governed the decision of those who made it. He would further add, that, although he felt much reluctance in originating a proposition of this character, he had not witnessed the frequent unsuccessful attempts at amendment which had been made with as much regret and dissatisfaction as was expressed by some. On the contrary, thinking as he did that as yet no improvident amendment of the original instrument had been made; and, believing, from the slow and scrutinizing process through which all amendments must pass, that there was little danger that any of equivocal character would obtain, he was induced to regard the frequent unsuccessful attempts to alter the present system as productive of much good, by strengthening and confirming the confidence of the people in the wisdom of its provision, and by increasing and perpetuating our gratitude for the services and respect for the memories of those illustrious men who formed it. That such had been their effect, he had no doubt.

There are, said Mr. Van Buren, already before the Senate, three distinct propositions on this subject, viz: One introduced by a Senator from Missouri; one by a Senator from New Jersey; and one by a Senator from North Carolina: to which, one had, that moment, been added, by a Senator from Massachusetts—the three first of which he would briefly notice. The last had, for its object, a course entirely different, as well from the one he intended to introduce, as those before it. The plan of the gentleman from Missouri proposes to divide the different States into districts, not for the choice of Electors of President and Vice President, but to take the votes of the people directly for those officers, allowing to each State as many votes as they are now entitled to, rendering a majority of all the votes necessary to a choice, and in the event of no election, on the first vote, by the people, the same to be made by the House of Representatives, each State having but one vote, as is now provided by the Constitution. The only remark he would now make, on that feature of the resolution which dispenses with the agency of intermediate Electors, was, that inasmuch as, with reference to the condition of the representation in particular States, secured to them by the Constitution, it does not profess to give the choice to a majority of the people, and, as it renders a resort to the House of Representatives almost indispensable, in the event of there being no choice in the first instance, he was not now prepared to give his assent to it. To judge of the propriety of so much of the different propositions as provide for a division of the several States into districts, a very brief inquiry into their operation and motive becomes both necessary and proper. It has been said, that that mode would effect the double purpose of bringing the election nearer to the people, by securing to them, in every State, the immediate choice of the Electors; and of protecting the right of the minorities in the different States. But when it is considered that, by the Constitution, each State has now the power of securing to its citizens those objects, when and as the people of those States represented in their State Legislatures may think proper to do it, he was disinclined to believe that a desire, on the part of any one State, to interfere in these respects with the internal condition of another, constituted the motive which induced them to urge the measure under consideration. The object which would be effected by it was of a different character. With regard to one effect, which it was calculated to produce on the different States, there was not, in the discussion on this floor last year, the least reserve, and, he presumed, there would not be any now. The alteration of the system, if adopted, can only be effected by consent of the parties to the present compact, and gentlemen, representing

States differently situated, do but exercise a right, of which no one can complain, in proposing such terms as are most acceptable to, and will best subserve the interest of, their immediate constituents. It is well understood, that the tendency of this measure will be to reduce greatly the present weight of the large States in the general scale, by subjecting them to the full operation of the political divisions which are supposed to be more peculiar to them, and thereby preventing them from bringing their consolidated strength to bear upon the Presidential question. It is proposed to do this on the plan of the gentleman from Missouri, without concession of any description on the part of those States who would be benefited by the change. To decide whether the consent of the large States can, with reason, be expected to this change, it is proper to look for a moment to the present relative conditions of the States, on the score of influence, in the existing plan of Government. As he had not, as yet, heard any thing upon this subject, either now or at the last session, he would remark, that he made the reference he proposed under the full influence of those frank and liberal feelings which had characterized every thing that had hitherto been said or done on this subject. His design was to look at things as they were, without any other motive or feeling than a simple desire to ascertain, by a reference to facts, whether, if any alteration in the Constitution, in this particular, ought to be made, what that alteration should in justice be. It was to him a source of great satisfaction that a subject, so delicate in its character, had hitherto been commented upon in this House with so much freedom, and yet without the least asperity. It clearly showed, if proof of that could be necessary, that the objects of all were only such as, in their different views of the matter, ought, in justice, to be obtained.

The great departments of the Government were, the Legislative, Executive, and Judicial. The latter is organized by the two former, and the influence of the respective States, in its organization, is of course the same as it is in the other two. In the choice of the Executive, and in the popular branch of the Legislature, each State has a representation proportioned to its representative members, with this exception, that, in the choice of the Executive, an addition of two votes was given to each State, without regard to its numbers, or the amount of its contribution to the public Treasury. But in this branch of the Legislature the case is widely different. Here, in consequence of the peculiarity of our condition, at the time of the adoption of the Constitution, the equitable principle of representation, founded on population and contribution, has been entirely disregarded. Here, each State, on the score of its sovereign character, has equal weight; and what, he asked, was the relative importance of this branch in the Government? He would not say it was that by which all the efficient power of the Government was controlled, but he would say, that but a slight consideration of the Constitution was necessary to show that this branch did so more than any other. With the single exception of originating revenue bills, its legislative powers were coextensive with the popular branch. No law could pass without the assent of the Senate. Almost all the important proceedings of the Executive are subject to its revision. All appointments require its approbation, unless its assent is first obtained to a law providing a different mode. The consent of two thirds of this body is necessary to the validity of all treaties; and it has the sole power to try impeachments of all the high officers of the Government, as well executive as judicial. In a branch of the Government possessing such extensive powers, the small but patriotic State of Illinois, with a population of fifty-five thousand, has a representation equal to that of Pennsylvania, with a population of one million and fifty thousand. The five largest States in the Confederacy, viz: Ohio, Pennsylvania, Virginia, North Carolina, and New York, with a population of four millions eight hundred thousand, have a representation but equal to the five smallest States, with a population of three hundred and fifty-three thousand. Nearly one half the nation, residing in the five largest States, has a representation but equal to the one twenty-seventh part, residing in the five smallest States. About one-half the whole people, residing in five States, are represented here by ten voices, whilst the other half are represented by thirty-four voices. The disproportion of the relative influence of the several States, having reference to their population, as a just basis of representation, cannot fail to strike every mind. The same inequality existed at the adoption of the Constitution, but in a much less degree. Then, taking an average of the population of the States, and considering those as small, who do not come up to it, the large States were in a majority; now, by the admission of new States, with assent of the old, they are in a minority. There were, at that period, eight large and five small States. Now, by the same criterion, there would be found to be but ten large, and fourteen small States. Still, this was all right; it was according to the compact into which all the States had voluntarily entered; and he fervently hoped, for the peace and happiness of the people of these States, that the day might be far distant, when even a desire should be entertained to alter it. But, when it is proposed so to change the Constitution, as to reduce still more the relative weight of the large States, in the general scale, it surely becomes proper to reflect on the existing condition of things. And in view of that, he asked, whether it was reasonable to expect the large States will ever assent to the proposition made by the gentleman from Missouri, reducing their political weight in the Confederacy, without concession of any kind, on the part of the other States? He thought not. Still, as one of the representatives of one of the large States he would give his assent to the measure proposed, of dividing the States into districts for the choice of Electors, provided it was done in the spirit which produced the Constitution, that is, a spirit of mutual concession. He was willing, for one, to make concessions for general harmony; and all he asked was, that they should be reciprocal; and those, he thought could, with care and justice, be made.

By the present Constitution, in the event of no one person having a majority, for the office of President, of the votes of the Electors, on the first ballot, the choice devolves on the House of Representatives; and, in such choice, each State has an equal vote. It is believed that, at the time of the adoption of the Constitution, the contingency on which this result was made to depend was not thought likely to happen. And it is supposed that from the great number of small States since admitted into the Confederacy, and from other causes, its occurrence for the future may be frequently expected. It is reasonable to suppose, that, inasmuch as it was evidently the leading design of the Constitution, that, in the choice of President and Vice President, the States should be represented, with the exception already noticed, according to their relative numbers, and, as they deem it but just, that such would be the case, this feature in the Constitution is, by the large States, considered inequitable. But, what is of greater importance, the provision bringing the election to the House of Representatives is deemed objectionable by all the States, on the ground that it jeopardizes the purity of the election, and exposes the whole system to danger, by affording facilities to the corruption of a part. If this wide-spread apprehension is well founded, and how far was so, was a point he would not at this moment discuss, it surely was one which addressed itself alike to all the States, whether great or small, and certainly not with the least force to the latter. All then that he asked, as a concession for harmony and the general good, was, that if the States were districted, the ultimate choice of President should be placed elsewhere, and decided upon more equitable principles. If that was conceded, and from the temper manifested by the Senate last year, he had every reason to hope it would, the next question would be, as to the least objectionable mode. He was not favorably inclined to that proposed by the Senator from New Jersey, because, although it provides for the ultimate choice, so far as it respects the relative weights of the States upon just principles, it does not effect what he considered at least an equal if not a greater object, the removal of the decision from the House of Representatives. Such as it was, however, coming from the Senator of a small State, it marked the just and liberal views which governed his conduct. He would prefer a different mode from that proposed by the Senator from South Carolina; for, although that contained much that was desirable, both in its principle, and as it respects the weight of the respective States in the decision, and as removing it at all events from the House of Representatives, still he feared that the project of sending the question back, under the same circumstances, to the Electors, from time to time, until they made a choice, would be found in practice extremely difficult, if not very dangerous. He would not now remark on the circumstance, that this proposition did not provide for districting the States, without which he did not hope that the small States would consent. He presumed that it was intended by the honorable mover to connect it with some proposition for that purpose, as he had, in the Senate, expressed his entire willingness to do. Under such views of the subject, he would ask leave to introduce a proposition essentially different from those on their table: one which, if not entirely just, was, he thought, liable to the fewest objections. In doing so, it was proper that he should state, and he was quite certain that he would thereby secure for the proposition a degree of consideration which it might not otherwise obtain, that the plan he offered was the same in principle with that heretofore proposed by a venerable Senator from Virginia, who was now, to Mr. V. B.'s great regret, and the public misfortune, prevented from attending. He said the principle was the same; his own humble effort had been solely directed to the object of rendering it more simple in its form and operation. How far he had succeeded in that, the Senate would judge, when the subject came under their particular consideration.

Having said this much upon that branch of the subject, Mr. V. B. would proceed to state briefly another point in which the proposition he offered differed essentially from the others proposed, and in which difference was involved a principle in the Government, as important, in his view, as any which had for some time been discussed on that floor. In doing so, it was a subject of gratification to him, that this principle had no reference to the relative and conflicting interest of the States in the Confederacy, but looked equally to the welfare and security of all. To a correct understanding of the point, he wished to present, it became necessary to take a brief view of the principle upon, and the circumstance under which, our present form of Government was established. Under the Articles of Confederation, the representation of each State in the General Government was equal. The Union was in all respects purely Federal, a league of sovereign States upon equal terms. To remedy certain defects, by supplying certain powers, the Convention which framed the present Constitution was called. That Convention, it is now well known, was immediately divided into parties, on the interesting question of the extent of power to be given to the new governments: whether it should be Federal or National; whether dependent upon or independent of the State governments. It is equally well known that that point, after having several times arrested the proceedings of the Convention, and threatened a dissolution of the Confederation, subsequently divided the people of the States on the question of ratification. He might add, that with the superadded question of what powers have been given by the Constitution to the General Government, to the agitation of which the feelings which sprung out in the Convention greatly contributed, it had continued to divide the people of this country down to the present period. The party in the Convention in favor of a more energetic Government, being unable to carry, or, if able, unwilling to hazard the success of the plan with the States, a middle course was agreed upon. That was, that the Government should be neither Federal nor National, but a mixture of both. That of the Legislative Department, one branch, the power of representation, should be wholly National, and the other, the Senate, wholly Federal. That, in the choice of the Executive, both interests should be regarded, and that the Judicial should be organized by the other two. But, to quiet effectually the apprehensions of the advocates for the rights and interest of the States, it was provided that the General Government should be made entirely dependent for its continuance, on the will and pleasure of the State governments. Hence, it was decided that the House of Representatives should be apportioned among the States, with reference to their population, and chosen by the people; and power was given to Congress to regulate and secure their choice, independent of, and beyond the control of the State governments. That the Senate should be chosen exclusively by the State Legislatures, and that the choice of the Electors of President and Vice President, although the principle of their apportionment was established by the Constitution, should, in all respects, except the time of their appointment and of their meeting, be under the exclusive control of the Legislatures of the several States. The scheme of Government thus formed, was submitted to the people of the respective States, through their Legislatures, for ratification. For a season its ratification was warmly opposed in almost every State. Although the control over the choice of but one branch of one department of the Government was vested in Congress, danger to the rights of the States was everywhere apprehended, and the question of the ratification of the Constitution rendered extremely doubtful.

To stem this torrent of opposition, the most distinguished commentators on the proposed plan (the authors of the Federalist) placed strongly and truly before the people of the States, the fact of the dependence of the General upon the State Governments, and the Constitutional right of those Governments, or even a majority of them, if the power they had conferred should be abused, to discontinue the new Government by withholding its Senate and Chief Magistrate. Among other things they said—

> "The State Governments may be regarded as constituent and essential parts of the Federal Government, while the latter is no wise essential to the operation or organization of the power. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will perhaps, in most cases, themselves determine it. The Senate will be elected absolutely and exclusively by the State Legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men whose influence over the people obtains for themselves an election into the State Legislatures. Thus each of the principal branches of the Federal Government will owe its existence, more or less, to the favor of State Governments, and must consequently feel a dependence which is much more likely to beget a disposition too obsequious, than too overbearing toward them."

The ratification by a sufficient number of the States was obtained. On reference, however, to the proceedings of the State conventions, it will be seen that, in several of the States, the control by Congress, over the choice of Representatives merely, was strongly remonstrated against. That amendments were proposed for its qualification by the States of South Carolina, North Carolina, Virginia, Massachusetts, New Hampshire, Rhode Island, and New York. That most of them resolved that it should be a standing instruction to their Delegates in Congress to endeavor to effect that and other amendments proposed. The proposition of the gentleman from New Jersey, to which Mr. VAN BUREN had alluded, would, if adopted, break an important link in the chain of dependency of the General upon the State Governments. It would surrender to the General Government all control over the election of President and Vice President, by placing the choice of Electors on the same footing with that of Representatives. It would at this time be premature to go into a minute examination of the provisions of the resolution alluded to, to show that such would be its effects. Upon examination, it will be found that such would be its construction. That it does in substance what another proposition, upon their table, originating in the other House, does in words. But even was there doubt upon that subject, that doubt should be removed by an express provision, reserving to the States their present control over the election, except as to what is particularly provided for in the resolution now proposed. If it is fit to take from the States their control over the choice of Electors of President and Vice President, and give it to the Federal Government, it would be equally proper, under the popular idea of giving their election to the people, to divide the States into districts for the choice of Senators, as was proposed in the Convention, and give to Congress the control over their election also. If the system be once broken in upon in this respect, the other measure will naturally follow, and we will then have what was so much dreaded by those who have gone before us, and what he feared would be so much regretted by those who come after—a completely consolidated Government—a Government in which the State Governments would be not otherwise known or felt than as it became necessary to control them. To all this, Mr. VAN BUREN was opposed. He was so, because it was a matter not necessary or fitly connected with the subject under consideration; that being a question between the States themselves, as to their relative interest—a question which might and ought to be settled, and leave their relation to the Federal Government as it stands at present. The other is a question between the States, collectively, and the Federal Government, affecting most materially the relation they now bear to each other. But, even if it were presented under different circumstances, he would oppose it.

Because, however ardent his attachment to the Federal Government, and however anxious he might be to sustain it, in the exercise of the powers given to it by the Constitution—and, in that respect, he would, he trusted, go as far as any man ought to go—he was unwilling to destroy or even release its dependence on the State Governments. At the time of the adoption of the Federal Constitution, it was a question of much speculation and discussion, which of the two Governments would be most in danger from the accumulation of influence by the operation of the powers distributed by the Constitution. That discussion was founded on the assumption that they were, in several respects, rival powers, and that such powers would always be found in collision. The best lights which could then be thrown upon the subject, were derived from the examples afforded by the fates of several of the Governments of the Old World, which were deemed to be, in some respects, similar to ours. But the Governments in question having operated upon, and been administered by, people whose habits, characters, tempers, and conditions, were essentially different from ours; the inferences to be derived from that source were, at best, unsatisfactory.

Mr. V. B. thought that experience (the only unerring criterion by which matters of this description could be tested) had settled for us the general point of the operation of the powers conferred by the Constitution upon the relative strength and influence of the respective Governments. It was, in his judgment, susceptible of entire demonstration, that the Federal Constitution had worked a gradual, if not an undue increase of the strength and control of the General Government, and a correspondent reduction of the influence, and consequently of the respectability of the State governments. The evidence in support of this position was abundant, and, if the matter should come under full discussion, could be readily afforded. He thought, further, that existing causes, which were every day gaining force, would, for the future, more rapidly increase that operation. He considered the qualified dependence of the General upon the State Governments as their strong arm of defence to protect them against future abuses. Under that view of the subject, he was opposed to so material a change of the present condition of the respective governments as would be produced by the amendment to which he objected. He was in favor of leaving matters, in that respect, as they stood. Under this impression, Mr. V. B. had prepared a resolution which avoided the defect attaching to that of the gentleman from New Jersey—requiring the contemplated division of the States into districts, to be coextensive with the number of Electors instead of Representatives, and at the same time secured the great object upon which he had been commenting.

Mr. Van Buren then introduced the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

The Electors of President and Vice President of the United States shall be chosen by the people of the several States, in districts equal in number to the number of Electors to which each State is entitled, to be composed of contiguous territory, and, as near as may be, equal in the number of persons to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. The qualification of the voters at such election shall be the same as is required of Electors for the most numerous branch of the State Legislature. The Electors of President and Vice President, convened at the time and place appointed by law, for the purpose of giving in their votes, shall have power, in case any of them fail to attend, to choose an Elector or Electors, in the place of him or them so failing to attend. Congress may determine the time of choosing the Electors, the day or days on which they shall give their votes, which shall be the same throughout the United States. But the authority to divide the States into districts, for the choice of Electors; to direct the election to be held; to prosecute the manner thereof, except as to the time of holding the same, and the qualifications of the voters; and the place of meeting of the Electors aforesaid,—is reserved, exclusively, to the Legislatures of the several States.

If, upon counting the votes for President and Vice President, in the manner directed by the Constitution, it shall appear that no person has a majority of the whole, number of the Electors chosen, it shall be the duty of the President of the Senate forthwith to notify the President of the United States thereof; who shall immediately by proclamation, and also by notification to the Executives of the several States, publish the number of votes given to each person as President. Whereupon, the Electors shall again meet on the day which shall have been by law appointed for that purpose, with the like power of supplying vacancies, and vote for one of the two persons as President who shall have received at the first meeting of the Electors the greatest number of votes for such office. Or, if it should happen that more than two persons have received the greatest, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall thereupon transmit one of the lists, to be made at their first meeting, and also that made at their second meeting, signed and certified by them, to the Seat of the Government of the United States, directed to the President of the Senate, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes at the second meeting of the said Electors, the House of Representatives shall choose one of them for the President of the United States, as now prescribed by the Constitution.

Both the resolutions were referred to the same committee to whom the other propositions for amending the Constitution have been referred.

Tuesday, December 30.

Mr. Ruggles, from the Committee of Claims, to which was referred, on the 10th instant, the petition of Frederick W. Smith, a lieutenant in the Navy of the United States, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," reported it without amendment.

Mr. KING, of New York, presented the petition of William Vaughn, a sailing-master in the Navy of the United States, praying to be allowed prize money for two vessels captured during the late war. The petition was read, and referred to the Committee on Naval Affairs.

Mr. HOLMES, of Maine, presented the petition of Dean Weymouth, praying an increase of pension.—Referred to the Committee on Pensions.

Mr. ELLIOTT presented the petition of James Hunter and John P. Williamson, of Savannah, Georgia, sureties of Benjamin Wall, late Marshal of the District of Georgia, praying an act may pass authorizing the equitable settlement of his accounts.—Referred to the Committee on the Judiciary.

The Senate proceeded to the consideration of the motions of the 26th instant, respecting the election of the officers of the Senate; and, on motion, by Mr. EATON, they were modified, as follows:

Resolved, That, when any vacancy happens in any of the offices of the Senate, the vacancy shall be supplied by ballot of the members present.

Resolved, That the Senate will, on the —— day of the first session of the next Congress, elect, by ballot, the Secretary of the Senate, the Sergeant-at-Arms and Doorkeeper, and the Assistant Doorkeeper, together with the principal and engrossing Clerks; and on the third day of the first session of each and every Congress, thereafter, they shall, in like manner, appoint those officers.

The further consideration of the resolution was postponed until to-morrow.

The Senate resumed the consideration of the motion of Mr. HAYNE, of the 29th instant, to inquire into the expediency of establishing a navy yard at Charleston; and agreed thereto.

The resolution offered yesterday by Mr. KING, of Alabama, proposing an inquiry concerning the expediency of granting a pre-emption to the quarter section of land each to several counties in the State of Alabama, for the location of their respective seats of justice, was again read, and agreed to.

Mr. ELLIOTT submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause an application to be made to the British Government, through our Minister at that Court, for a correct list of the names of such persons as may have been paid, with the sums received by each, for lands held by them in the Floridas, previous to the treaty of 1783, and of which they were deprived, on the transfer of that territory, by Spain, by virtue of the said convention.

The bill for the relief of Thomas W. Bacot, the Postmaster at Charleston, South Carolina, was taken up in Committee of the Whole. Mr. HAYNE stated that the object of the bill was merely to refund to the Postmaster the sum of $300, which he had paid as a reward for the arrest of a mail robber, and which he could not receive from the proper department, because the expenditure did not come within the strict letter of his instructions. This bill passed the Senate at the last session, but was not acted upon in the House. It had now passed that body, and, Mr. H. trusted, would meet with no opposition in the Senate. The bill was then reported to the Senate without amendment, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Charles M. Collier;" and the further consideration thereof was postponed until to-morrow.

DUTIES ON IMPORTS AND TONNAGE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive and continue in force certain acts relative to discriminating duties on imports and tonnage, together with the amendments reported thereto; and having agreed to the said amendments, and further amended the bill, it was reported to the House, and the amendments were concurred in.

Some discussion took place in regard to the details of the bill, in which Messrs. MACON, HOLMES of Maine, SMITH, BENTON, BARBOUR, LLOYD of Massachusetts, BROWN, and HAYNE, participated.

On motion by Mr. MACON, further to amend the bill, by inserting, section 4, line 3, after the word "nation," "whose independence the United States have recognised," it was determined in the negative—yeas 12, nays 26, as follows:

YEAS—Messrs. Barbour, Benton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Kelly, Macon, Noble, Taylor of Indiana, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards of Connecticut, Edwards of Illinois, Findlay, Holmes of Maine, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Mills, Palmer, Parrott, Seymour, Smith, Talbot, and Thomas.

On the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative. The bill was then read a third time, by unanimous consent, and passed.

WEDNESDAY, December 31.

Mr. EATON presented the memorial of Rezin Rawlings and John Locke, executors of Daniel Rawlings, praying compensation for the transportation of a quantity of corn to various military posts on the Tennessee river during the late war with the Creek Indians. The memorial was read, and referred to the Committee of Claims.

Mr. CHANDLER presented the petition of Joseph C. Boyd, a division paymaster at Castine during the late war, stating that on account of the loss of papers, he is prevented from settling his accounts with the War Department; and praying an act of Congress for his relief.—Referred to the Committee on Claims.

Mr. **Van Buren**, from the Committee on the Judiciary, reported the bill supplementary to an act to relieve certain persons from prison, with the amendment thereto, as adopted by the House of Representatives.

Mr. **Barbour**, from the Committee on Foreign Relations, submitted a report on the petition of Francis Henderson, jr., with a bill for his relief. The petitioner, for himself and family, claims compensation for certain military and diplomatic services rendered to this Government by his grandfather, the late Colonel John Laurens. The bill reported by the committee grants the sum of $23,500, in full for those services. The report was read, and ordered to be printed.

Mr. **Johnson**, of Louisiana, called up the petition of Colonel Alexander A. White, which was presented at the last session; and, on motion of Mr. J., the same was referred to the Committee on Public Lands.

Mr. **Mills** presented the memorial of Amasa Stetson, stating that he was a deputy commissary during the late war; that, in the performance of the duties appertaining to his office, he had, at different times, advanced moneys from his own funds, for the use of the Government, and prays that he may be allowed interest on such advances, and also that he may be indemnified for losses which he sustained by the depreciation of Treasury notes received from the Government.—Referred to the Committee on Claims.

Mr. **Knight** submitted a resolution, instructing the Committee on the Post Office and Post Roads to inquire into the expediency of providing by law for an additional compensation to postmasters for stamping ship letters; which was read, and laid over for consideration.

The bill from the other House, for the relief of Thomas W. Bacot, Postmaster at Charleston, South Carolina, was read the third time, and passed.

The bill from the other House, for the relief of Charles M. Collier, was taken up in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The bill for the relief of Jeremiah Manning, of New Jersey, was postponed till Friday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Jacob Babbit;" a bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned;" also, a bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others;" in which bills they request the concurrence of the Senate.

The three bills last brought up for consideration were severally read, and passed to the second reading.

The bill entitled "An act for the relief of Jacob Babbit," was read the second time, by unanimous consent, and referred to the Committee of Claims.

The bill entitled "An act to repeal, in part, an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bill entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," was read the second time, by unanimous consent, and referred to the Committee on Finance.

It was ordered, that, when the Senate adjourn, it will adjourn till Friday next.

OFFICERS OF THE SENATE.

The resolutions, proposed some days since, by Mr. **Eaton**, respecting the election of the officers of the Senate, were taken up for consideration. The first resolution, which provides for filling, by ballot of the Senate, such of the offices as may hereafter become vacant, was agreed to. The second, which provides for the biennial election of the Secretary of the Senate, Sergeant-at-Arms, and Doorkeeper, Assistant Doorkeeper, together with the principal and engrossing Clerks, gave rise to some discussion. Mr. E. stated, generally, the grounds which induced him to move this resolution. He thought the trouble of electing its officers was not a sufficient excuse to the Senate for not exercising this important trust. He considered it important to the proper transaction of the business of the Senate, that its officers should be elective; that the best men would be most likely to be obtained in that way. And as a still stronger argument in favor of his motion, Mr. E. urged the Constitutional requisition that the Senate should *elect* its own officers. Messrs. **Lanman**, **Elliott**, **Mills**, **Holmes** of Maine, **Barbour**, **Brown** of Ohio, **King** of Alabama, and **Edwards** of Illinois, remarked upon the resolution; which was, subsequently, postponed till Friday next.

Mr. **Barbour** submitted a resolution providing for the appointment of a joint committee of both Houses, to present to their respective Houses all such acts of Congress as may expire during the session, and which the public service may require to be renewed; which resolution was read, and laid over for consideration.

FLORIDA LAND TITLES.

The following resolution, submitted yesterday by Mr. **Elliott**, was again read for consideration:

> "*Resolved*, That the President of the United States be requested to cause an application to be made to the British Government, through our Minister at that Court, for a correct list of the names of such persons as may have been paid, with the sums received by each, for lands held by them in the Floridas previous to the treaty of 1783, and of which they were deprived, on the transfer of that territory to Spain, by virtue of the said Convention."

Mr. **Elliott** said that the object of his resolution would probably be apparent to the Senate; that it would be recollected that the Floridas were formerly in possession of the British Government, while we were colonies of that country; that, upon the transfer of the Floridas to Spain, it had been stipulated that such British subjects as chose to remain there, should be permitted to do so; but that a great proportion of those subjects had abandoned that country, and removed to Great Britain; and had since been compensated for the property they left there. But some others had removed to the United States, preferring to share the difficulties of our Revolution, and the subsequent blessings of our Government. Some of these persons had never received any compensation for the property they left, and it had now become necessary to decide upon their claims to lands in Florida. This could not be done correctly, without the information referred to in the resolution which was now under consideration. The heirs of many of these persons had come forward with their claims, and this information was wanted, to guard against imposition.

The resolution was agreed to.

FRIDAY, January 2, 1824.

Mr. LOWRIE presented the memorial of John Miller and others, and the memorial of Stetson Lobdell and others, citizens of the city and county of Philadelphia, praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, presented a document in support of the claim of Robert Shaw, for the value of a horse lost in the service of the United States; which was read, and referred to the Committee of Claims.

Mr. LLOYD, of Maryland, presented the petition of Sarah Easton and Dorothy Storer, stating that their father, the late Colonel Robert H. Harrison, remained in the service of the United States as aid-de-camp and private secretary of General Washington, from the year 1775 to 1781; and praying to be allowed, in consideration thereof, the commutation of half pay, and the bounty in land, received by the officers and soldiers of the Revolutionary army. The petition was read, and referred to the Committee of Claims.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to employ a part of the engineer corps in exploring the country between the waters of the Alleghany and Susquehannah, and in ascertaining whether they can be connected by canals, so as to afford a navigation from one of those rivers to the other; and whether the streams so connected would afford means of transport; and the depth of water each connecting stream would furnish at different seasons of the year; what would be the probable cost of such canal, or canals, and what obstacle would be in the way of perfecting them.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the select committee on roads and canals be instructed to inquire into the expediency of modifying the act of Congress, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," in such manner that the road named in the said act shall be laid out through Columbus, Indianapolis, and Vandalia, the seats of government of the States of Ohio, Indiana, and Illinois; and to inquire also into the expediency of making a further appropriation for the purpose of completing the location of said road.

Mr. HAYNE communicated the following resolutions passed by the Senate and House of Representatives of the State of South Carolina:

"IN THE SENATE, *Dec.* 19, 1823.

"*Resolved,* That the State of South Carolina regards with deep interest the noble and patriotic struggle of the modern Greeks to rescue from the foot of the infidel and the barbarian the hallowed land of Leonidas and Socrates; and would hail with pleasure the recognition, by the American Government, of the independence of Greece.

"*Resolved,* That a copy of this resolution be transmitted to our Senators and Representatives at Washington.

"*Ordered,* That the resolutions be sent to the House of Representatives for concurrence.

"By order of the Senate.
"WM. D. MARTIN, *C. S.*"

"IN THE HOUSE, *Dec.* 20, 1823.

"*Resolved,* That the House do concur in the resolutions.

"*Ordered,* That they be returned to Senate.

"By order of the House.
"R. ANDERSON, *C. H. R.*"

The resolutions were read, ordered to lie on the table, and be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Sarah Chitwood;" a bill, entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania;" also, a bill, entitled "An act for the relief of William Kendall;" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were severally read, and passed to the second reading.

Mr. RUGGLES, from the Committee on Claims, reported a bill for the relief of Samuel Gilbert, providing payment for property taken from him by the Sac Indians, the claim to which was relinquished by a treaty with that tribe. The bill was read, and passed to a second reading.

Mr. RUGGLES, from the same committee, reported the bill for the relief of Loudon Case, without amendment.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, made a report on the case of Josiah Hook, junior, accompanied by a bill for his relief; which was read.

The bill, entitled "An act for the relief of Charles M. Collier," was read a third time, and passed.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;" and the further consideration thereof was postponed until Monday next.

The bill for the relief of Francis Henderson, junior, was read the second time.

The Senate proceeded to the consideration of the report of the Committee of Claims on the petition of Frederick W. Smith; and the further consideration thereof was postponed to Monday next.

The resolution for the appointment of a joint committee to present such acts as may expire, and in their opinion, require being continued in force, was read the second time, and ordered to lie on the table.

Mr. JOHNSON, of Louisiana, presented the petition of Alexander A. White, of Louisiana, praying the right of pre-emption to a tract of land on which he has settled, so as to include his improvements. The petition was read, and referred to the Committee on Public Lands.

The resolution submitted by Mr. EATON, providing for the biennial election of the officers of the Senate, was again taken up for consideration. Mr. LANMAN moved to strike out from the resolution that part which provides for the election of the principal and engrossing clerks. Without deciding on this motion, the further consideration of the resolution was postponed till Monday next.

The resolution submitted on Wednesday by Mr. KNIGHT, instructing inquiry into the expediency of providing, by law, some compensation to postmasters for marking ship letters, was again read; and, after some explanatory remarks by Mr. KNIGHT, the resolution was agreed to.

Mr. HOLMES, of Maine, gave notice that, on Monday next, he should ask leave to introduce a bill, the better to secure the accountability of public officers.

The bill from the other House for the relief of Jeremiah Manning, of New Jersey, providing payment for a quantity of hay, furnished to the troops of the United States during the late war, was taken up as in Committee of the Whole—

Mr. RUGGLES stated the grounds upon which the claim was predicated. The bill was then reported to the Senate without amendment, and passed to a third reading.

PORTRAIT OF COLUMBUS.

The following communication was received from the Department of State:

DEPARTMENT OF STATE,
Washington, January 1, 1824.

To the President of the Senate of the United States:

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this department, from George G. Barrell, Consul of the United States at Malaga, and informing you that the picture mentioned in it, is at the office of this department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here in a frame, upon which is engraved the following inscription:

"Columbus."

"Presented to the nation, by G. G. Barrell, United 'States Consul at Malaga. The frame presented by 'Parker & Clover, picture framers, New York, A. D. 1823."

I avail myself of this occasion to state, that an exact fac simile, engraved on copperplate, has been made by direction of this department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of the department, subject to the disposal of Congress.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

Copy of a letter from GEORGE G. BARRELL, United States Consul at Malaga, to the Secretary of State:

MALAGA, *February* 21, 1823.

SIR: A few days since I delivered to Charles A. Davis, Esq., a portrait of Columbus, in half length, which I obtained from Seville, and directed him to forward it to your Excellency, for the purpose of having it placed among the portraits of other distinguished men in the Capitol. You will find, by the certificate which accompanies it, that it was supposed to be by the same hand which painted the celebrated one in the Escurial, and only having undergone some retouches, of a trifling nature, to prevent its decay. If it is worthy of a place in the Capitol, it will afford me infinite pleasure, and if not, I can only say, my admiration for that extraordinary man led me to think an original likeness of him might be considered as a small mark of the veneration and love I bear my country.

With great respect, &c.

GEORGE G. BARRELL.

J. Q. ADAMS, Esq., *Secr'y of State.*

This communication, with the accompanying letter, was read and referred to the select committee appointed to make the proper disposition of the rooms in the centre building of the Capitol.

MONDAY, January 5.

The PRESIDENT communicated a report of the Secretary of the Treasury, on the state of the finances, prepared in obedience to the act "supplementary to the act to establish the Treasury Department," and fifteen hundred copies thereof were ordered to be printed for the use of the Senate.

Agreeably to notice, Mr. HOLMES, of Maine, asked and obtained leave to bring in a bill better to secure the accountability of public officers, and others; which was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. BARBOUR presented the memorial of Nathaniel Wattles, President of the Marine Insurance Company of Alexandria, and others, stating that their claims against the Government of France, for illegal seizures and condemnations, have been yielded up by the convention of 1800; and praying the payment thereof, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of the Philadelphia Chamber of Commerce, praying the passing of an act to establish an uniform system of bankruptcy throughout the United States; which was read, and referred to the Committee on the Judiciary.

Mr. FINDLAY presented the memorial of Charles Waters, and others, of the city and county of Philadelphia, praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the petition of John S. Stiles, executor of George Stiles, stating that he has been aggrieved by the construction given to the act for the relief of sundry merchants of the city of Baltimore, and praying the interposition of Congress in his behalf. The petition was read, and referred to the Committee on the Judiciary.

Mr. KELLY presented the petition of Charles Parent, in behalf of the heirs and legal representatives of Charles Parent, deceased, praying authority to enter, at the proper land office, and at the usual rate, two quarter sections of land, including a plantation owned, occupied, and cultivated by the said Charles Parent, in his life time. The petition was read, and referred to the Committee on Public Lands.

Mr. KELLY presented the petition of Peter H. Hobart, and Lewis Judson, praying the confirmation of their claim to a tract of land in the State of Alabama; which was read, and referred to the Committee on Public Lands.

Mr. JACKSON presented the memorial of Josiah Watson and wife, the aged parents of the late Lieutenant Watson of the Navy, stating that they are aged and infirm, and, from misfortunes, have been reduced to poverty; that their late deceased son was the only prop of their declining years, and part of his pay their only support; by his death they are reduced to want; that they now throw themselves upon the humanity of that country, in whose service their son died, and pray to be provided for in the same manner that other persons have been whose sons have died in the naval service. Referred to the Committee on Pensions.

Mr. HAYNE presented the petition of Napier, Rapelye, and Bennett, citizens and merchants of Charleston, South Carolina, praying the remission of duties on a quantity of sugar shipped from St. Augustine, after its cession to the United States, and landed at Charleston, on which sugar duties had been previously paid to the Spanish authorities, on its importation into St. Augustine. The petition was read, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration, which was read:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to cause a survey to be made, by some duly qualified officer or officers of the Engineer or Topographical corps, of the best route for opening a navigable communication between Buzzard's bay and Barnstable bay; and to report on the practicability of constructing a canal through the isthmus which separates the said bays, of sufficient depth and size to admit vessels of war to pass the same; on the obstacles thereto, and the estimated expense thereof; and on the benefits that would result to the public interests, in time of war, and to the domestic or coasting trade of the United States, in time of peace, from the construction of such a canal; which, after the completion of the Chesapeake and Delaware and Raritan canals, would extend an inland water communication from Albemarle sound to Massachusetts bay, passing, in its progress, through the territory, or along the borders of ten of the Atlantic States.

Mr. HOLMES, of Maine, submitted the following motions for consideration, which were read:

Resolved, That the Secretary of State be directed to report to the Senate, by the first day of February next, all such laws as will expire before the second week in the next session of Congress.

Resolved, That the Secretary of State be requested to report to the Senate, in the first week in each session, all such laws as will expire before the second week in the next succeeding session.

Mr. KING, of Alabama, submitted the following motion for consideration, which was read:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the provisions of the first and fourth sections of an act, passed on the second day of March, 1821, for the relief of purchasers of public lands prior to the first day of July, 1820, so as to enable the holders of certificates (on which an extended credit has been allowed) to relinquish the same; or, by making cash payments, to receive a deduction of thirty-seven and a half per cent. on the amount so paid.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," reported it without amendment.

Mr. EATON gave notice that he should ask leave to bring in a bill, to regulate the manner of choosing the Secretary of the Senate and Principal Clerk and Engrossing Clerks, Sergeant-at-Arms and Doorkeeper, and Assistant Doorkeeper; also, the Clerk of the House of Representatives, and the clerks and other officers of that House.

On motion, Mr. LOWRIE was excused from serving on the Committee on Public Lands; and Mr. KING, of Alabama, was appointed in his stead.

The bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," was read a third time, and passed.

The bill for the relief of Josiah Hook, jun., was read the second time.

The bill for the relief of Samuel Gilbert was read the second time.

The bill, entitled "An act for the relief of William Kendall," was read the second time, and referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Sarah Chitwood," was read the second time, and referred to the Committee on Pensions.

The bill, entitled "An act for the relief of certain distillers, within the county of Berks, in the State of Pennsylvania," was read the second time, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 26th ultimo, respecting the election of the officers of the Senate; and it was ordered to lie on the table.

The amendment made in the other House to the bill to relieve certain persons from prison, was agreed to.

The resolution proposed on Friday by Mr. SMITH, respecting the expediency of exploring the country between the Alleghany and Susquehannah rivers, with a view to the connexion of those rivers by a canal, was again read, and, on motion of Mr. S., laid on the table.

The resolution submitted on Friday by Mr. NOBLE, instructing an inquiry into the expediency of amending the act, entitled "An act to lay out the road therein named," so as to provide that the said road may be laid out through Columbus, Indianapolis, and Vandalia, was again read, and agreed to.

The report of the Committee of Claims, unfavorable to the petition of Frederick W. Smith, a Lieutenant in the Navy, who prays remuneration for money belonging to the Government, lost while in service, was taken up for consideration. Mr. DICKERSON, in a few remarks, opposed the report of the committee, and concluded by moving to reverse it. Mr. RUGGLES stated the reasons which governed the committee in framing their report. The amendment proposed by Mr. DICKERSON was rejected, and the report concurred in.

The bill from the other House, for the relief of Loudon Case, providing payment for a yoke of oxen taken into the service of the United States during the late war, was taken up in Committee of the Whole. Mr. RUGGLES stated the facts connected with the case. The bill was reported to the Senate without amendment, and passed to a third reading.

CASE OF FRANCIS HENDERSON, JR.

The bill reported by the Committee on Foreign Relations, for the relief of Francis Henderson, jr. was taken up in Committee of the Whole. This bill provides for the payment "to Francis Henderson, jr., the grandson of the late Lieutenant Colonel John Laurens, of South Carolina, the sum of $23,500, in full for all claims of the legal representative of Colonel Laurens against the United States." The following is the report of the Committee on Foreign Relations:

Lieutenant Colonel John Laurens, the ancestor whose services, civil and military, occupy a brilliant page in the history of the Revolution, entered the Army of the United States, as aid to the Commander-in-Chief, in August, 1777. In this situation, he displayed a zeal, courage, and devotedness, not surpassed by any of his compatriots. He conciliated the esteem of his commander, and of his brother soldiers, and, for his distinguished services, frequently received the thanks of Congress. In 1780, he had acquired so much of the confidence of his country, as to induce Congress, unanimously, to appoint him a special Minister to France, on a most important service. Such was his success in this mission, as again to call forth the public thanks of that body. He returned to this country in September, 1781, and at his special request Congress permitted him to join the Army, then conducting the siege of Yorktown, in Virginia, where fresh laurels awaited him. He finally fell, on the 27th August, 1782, in the lap of honor, fighting the battles of his country. His death was a national misfortune. He left an orphan daughter to the gratitude and to the protection of his country. A disinterestedness, even to carelessness, was a distinguished trait among his other qualities. Hence, for his long and important services, and the expenses attending the same, he seems neither to have kept an account, nor to have received any advances, except a small sum, to which hereafter a more particular reference will be made.

The father dead—his only child an infant and an orphan—and the grandfather, Henry Laurens, in captivity in England—there was no one to assert her claims.

Eventually, the grandfather returned from Europe, and, in 1784, as the guardian of the child, presented her case to Congress, who came to the following resolution:

"*Resolved*, That, in settling the accounts of the late Lieutenant Colonel John Laurens, as special Minister to the Court of Versailles, he be allowed the same pay that was given at this period to the Ministers Plenipotentiary of the United States at foreign Courts, from the time of his appointment to that embassy, until his return; and that the balance remaining due for his services as Minister be paid to his representatives."

This resolution was not acted upon till 1790. The accounts of the father, Colonel Laurens, in both characters, as Colonel and as Minister, were settled. But it is objected by his legal representative, the petitioner, (who intermarried with Frances Eleanor Laurens, the only child of Colonel John Laurens,) and, in the opinion of the committee, justly, that in the settlement no allowance was made for the expenses of Colonel Laurens while on his foreign mission, although, at that time, no advances being made our foreign Ministers as an outfit, it was the usage of the Government to pay their expenses; and more especially, too, as Congress had expressly directed that, in the adjustment of the account, his compensation should be the same as that of other Ministers.

No account having been kept by Colonel Laurens of his expenses, the committee have, of course, no certain data by which to ascertain the amount; in the absence of which, they have been compelled to resort to other circumstances, for the purpose of arriving at any satisfactory result. These are, 1st. That it is in proof Colonel Laurens paid his own expenses, as well as those of his suite. 2dly. He took up, at Nantes, on the credit of his father, £1,000 sterling, equal to $4,444 44. 3dly. He received from Dr. Franklin, the then resident Minister in France, $2,171 42; and, 4thly, on his return to the United States he received, at Boston, where he landed, $720 from the Superintendent of Finance, to enable him to join the army before Yorktown, in Virginia. The committee, therefore, have assumed these sums, as furnishing the probable amount of his expenses; in which they have the more readily acquiesced, as it was about equal to the sum, in proportion to the time, allowed Silas Deane, a contemporary Minister at that Court, for his expenses.

The claim for $101 85, results from the improper application of the scale of depreciation to the item for rations, in the military account of Colonel Laurens, who, unconnected with any State regiment, would be deprived of the compensation which his brother officers received, if it be not awarded by Congress; and, therefore, the committee deemed it reasonable to allow it. The claim for $104 70 is obviously just, as it arises from an omission in extending and adding up the account. Uniting these two sums with his diplomatic expenses, produces an amount of $7,542 41, which, with interest, at five per cent. from the fifth September, 1781, the day of his return from Europe, is equal to $23,500. In allowing the charge for interest, from the above period, the committee have been guided by the resolution of Congress above referred to, and the report on which it was founded, which directs that the child of Colonel Laurens should receive whatever was, in equity and justice, due the father; and for the further reason, that the grandfather, in fixing the portion of the daughter of John Laurens, by his will, deducts therefrom the advances made the son, of which the sum taken up by him at Nantes is a part, with interest from the time of such advances.

The committee, in reporting a bill directing the money to be paid to Francis Henderson, jr., the only grandchild of Colonel Laurens, has, independently of its fitness, conformed to the consent of Francis Henderson, the elder, signified by a letter from him, and among the documents.

Mr. BARBOUR stated the grounds of this claim, and commented feelingly and eloquently upon the distinguished services which Colonel Laurens had rendered the country. In the appropriation of the sum named in the bill, Mr. B. said the committee had not estimated the interest on the moneys which were justly due a long time since to Colonel Laurens. He thought this ought, in justice, to be added to the amount to be granted; and therefore moved that the sum of $23,500 be stricken out from the bill, and the sum of $26,700 inserted in its stead.

The allowance of interest was opposed by Messrs. LANMAN, HOLMES, of Maine, MACON, and VAN BUREN, on the ground that the claim had not been before presented, and that the same principle which had been adopted in the settlement of other claims, of a similar nature, should be preserved in this case.

The question having been divided, the motion for striking out $23,500 prevailed; but, before the question was taken on inserting the sum proposed by Mr. BARBOUR, the bill was ordered, on motion of Mr. VAN BUREN, to lie on the table.

TUESDAY, January 6.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act appropriating a sum of money to Benjamin Huffman, of the State of Indiana;" a bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida;" also a bill, entitled "An act for the relief of Samuel Wharton;" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were read, and severally passed to the second reading.

Mr. JOHNSON, of Louisiana, presented the petition of Celestin Moreau, of the State of Louisiana, praying the confirmation of his title to a tract of land, purchased in the year 1792, and of which, since that time, he has had quiet and undisturbed possession. The petition was read, and referred to the Committee on Public Lands.

Mr. LLOYD, of Massachusetts, presented the memorial of Oliver Keating, a respectable merchant of Boston, stating that, in 1807, he loaded a vessel exclusively with the produce of the American fisheries, for Marseilles; that, on approaching the port, the vessel was spoken by a British vessel of war, and, on entering the harbor of Marseilles, was taken possession of by a French national ship, and both vessel and cargo were condemned, contrary to the faith of treaties, and the law of nations, under the Berlin and Milan decrees, issued after the sailing of his vessel, and praying Congress to grant such relief as he may be entitled to receive, and they may think proper to grant. Referred to the Committee on Foreign Relations.

Mr. KNIGHT presented the memorial of Samuel Slater, and others, a committee appointed by the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, representing the embarrassments to which they are subjected by the provisions of the act to regulate the collection of duties on imports and tonnage; and praying a revision of the tariff of duties, with a view to the encouragement of the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures, to consider and report therein.

Mr. DICKERSON presented the memorial of Benjamin Jones, and others, of the city of Philadelphia, praying additional duties on foreign iron imported, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. FINDLAY submitted the following motion for consideration; which was read:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to employ part of the engineer corps in ascertaining whether it be practicable to make a canal navigation from the River Delaware or Schuylkill, at or near the city of Philadelphia, by the city of Lancaster, to the River Susquehannah, and to connect, by canals, the waters of Alleghany River and Lake Erie, and to ascertain the quantity of water each connecting stream would furnish, at different seasons of the year, making an estimate of the expense of completing the canals respectively, and noting other necessary circumstances in relation to the object.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration; which was read:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of providing by law for the distribution of the public documents, journals, reports, and laws of Congress, annually, to the several incorporated libraries within the United States.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 30th ultimo, the petition of Joseph C. Boyd, reported a bill for the relief of Joseph C. Boyd, which was read, and passed to the second reading.

Mr. R., from the Committee of Claims, to whom was referred, on the 31st ultimo, the bill entitled "An act for the relief of Jacob Babbit," reported the same without amendment.

Agreeably to notice, Mr. EATON asked and obtained leave to bring in a bill to revive and continue in force "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the clerks employed in their offices, and of the librarian," passed the 18th of April, 1818; which was twice read, by unanimous consent.

The bill entitled "An act for the relief of Loudon Case," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Josiah Hook, junior; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Francis Henderson, junior; and the further consideration thereof was postponed until to-morrow.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred, on the 29th ultimo, the bill entitled "An act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," reported it with an amendment; which was read.

The resolution offered yesterday, by Mr. LLOYD, of Massachusetts, proposing an inquiry into the expediency of causing a survey of the best route for opening a navigable communication between Buzzard's Bay and Barnstable Bay, was again read and agreed to.

The resolutions offered yesterday by Mr. HOLMES, of Maine, directing the Secretary of State to report to the Senate all such acts as will expire before the second week of the next session of Congress; and to report, in the first week of each session, all such laws as will expire before the second week in the next succeeding session, were again read, and gave rise to some discussion as to the department from which the information should be required. Some members thought it appropriate to the Department of State, others to the Attorney General, and others to a Committee of the Senate. Messrs. MACON, ELLIOTT, BARBOUR, HOLMES, of Maine, FINDLAY, SMITH, RUGGLES, and MILLS, severally remarked upon the subject, and the resolutions were then, on motion of Mr. HOLMES, of Maine, referred to the Committee on the Judiciary.

The following resolution, submitted yesterday by Mr. KING, of Alabama, was read for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the provisions of the 1st and 4th sections of an act, passed 2d March, 1821, for the relief of purchasers of public lands, prior to the 1st of July, 1820, so as to enable the holders of certificates (on which an extended credit has been allowed) to relinquish the same; or by making cash payments to receive a deduction of 37½ per cent. on the amount so paid."

After a few remarks from Mr. K., stating the provisions of the sections of the act proposed to be extended, the resolution was agreed to.

The resolution offered a few days since, by Mr. SMITH, instructing an inquiry into the expediency of exploring, by the Engineer Corps, the country between the Allegheny and Susquehanna rivers, with a view to their connexion by a canal, was called up for consideration. Mr. FINDLAY submitted an amendment, which he afterwards withdrew, and offered in the form of a separate resolution. Mr. KING, of New York, made a few observations, against carrying the policy of making roads and canals, from the public funds, to the extent contemplated by this and similar propositions. The resolution was agreed to.

The bill from the House of Representatives, for the relief of William Bartlett and John Stearns, was taken up as in Committee of the Whole. The object of this bill is, to grant the bounty to two fishing vessels belonging to Plymouth, Massachusetts, which were shipwrecked, and therefore unable to comply with all the requisitions of the law allowing a bounty to vessels engaged in the fishing trade. Mr. SMITH stated the view which the Committee on Finance took of this subject. Messrs. LLOYD, of Massachusetts, LANMAN, and MILLS, advocated, and Messrs. HOLMES, of Maine, and MACON, opposed the bill; and, on motion of Mr. LANMAN, it was laid on the table.

SAMUEL GILBERT.

The bill for the relief of Samuel Gilbert was taken up in Committee of the Whole.

Mr. RUGGLES, from the Committee on Claims, stated that the bill provided compensation for property taken by the Sac Indians, after they had been informed of the Treaty of Peace between the United States and Great Britain; that, although the tribe was bound, by treaty, to make restitution of the property so taken, yet, from motives of policy, the Government had seen fit to release them from the obligation to restore it.

Mr. EDWARDS, of Illinois, gave some informatiod as to the terms of the treaty, by which the claim to this property was relinquished.

Mr. CHANDLER thought that this claim partook somewhat of the nature of a great many others now before Congress, and that its passage might involve the allowance of all claims to property taken from citizens of the United States, the claim to which was afterwards surrendered by treaty.

Mr. SMITH thought the reason, advanced by the gentleman from Maine, the very one which should urge the allowance of this claim. He believed the Government ought to make restitution for the property of its citizens surrendered by treaty.

Mr. BARBOUR said, if the bill involved so important a principle as that intimated by the gentleman from Maine, it ought not to be acted upon by the Senate without further reflection. He therefore moved its postponement to this day week.

Mr. KING, of New York, remarked upon the nature of claims upon the Government for property captured by foreign nations, &c. He considered it the duty of a nation, a duty which it owed to itself and to its citizens, to exert all the means in its power to obtain recompense for private property captured by other nations—but, when those means had been exhausted, that nation was no longer bound to withhold from the completion of a treaty, nor to provide payment for all claims for property so captured, &c.

Mr. SMITH coincided perfectly with the rule laid down by the member from New York—but, he considered, that, where a foreign nation agreed, by treaty, to make restitution for property captured, and afterwards our Government had consented, for a valuable consideration, to strike out that article from the treaty, they were bound to compensate the citizens having such claims.

The motion of Mr. BARBOUR, to postpone the bill to this day week, prevailed.

WEDNESDAY, January 7.

The PRESIDENT laid before the Senate a report of the Secretary of the Navy, transmitting an abstract exhibiting the expenditures, under the head of "Contingent Expenses," from the first of October, 1822, to the 30th of September, 1823, prepared in obedience to the act of Congress, passed 3d of March, 1809; which was read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 15th December, the petition of Charles B. Davis, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration; which was read:

Resolved, That the Committee on Finance be directed to inquire into the expediency of revising the act of Congress entitled "An act further to establish the compensations of officers of the customs, and to alter the collection districts, and for other purposes," passed 7th May, 1822, and making such amendments thereto, as a change of circumstances may have rendered necessary and proper.

Mr. BARBOUR submitted the following motion for consideration: which was read:

Resolved, That the President of the United States be requested to lay before the Senate (if in his opinion it can be done without injury to the public interest) such information as will show the state of the relations between Spain and the United States, from the ratification of the Florida treaty up to the present time; and the effect produced on those relations by the United States having established diplomatic intercourse with the independent Governments of South and North America.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" in which they request the concurrence of the Senate.

The bill from the House of Representatives entitled "An act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," was twice read, by unanimous consent, and referred to the Committee on Roads and Canals.

The Senate proceeded to consider the motion, of the 6th instant, relative to a canal from the River Delaware, or Schuylkill, at or near the city of Philadelphia, by the city of Lancaster, to the River Susquehannah; and it was ordered to lie on the table.

The Senate proceeded to consider the motion, of the 6th instant, to inquire into the expediency of providing by law for the distribution of the public documents, journals, and laws, to the several incorporated libraries within the United States; and it was ordered to lie on the table.

A bill for the relief of Joseph C. Boyd was read the second time.

The bill, entitled "An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana," was read the second time.

A bill, entitled "An act authorizing the laying out and opening certain public roads, in Florida," was read the second time.

The bill, entitled "An act for the relief of Samuel Wharton," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," and, no amendment having been made, it was reported to the House, and passed to a third reading.

CASE OF FRANCIS HENDERSON, JR.

The bill reported in Senate, by the Committee on Foreign Relations, for the relief of Francis Henderson, jun., the grandson of the late Colonel John Laurens, was again taken up for consideration, in Committee of the Whole. The question was upon inserting $26,700, as the sum to be granted, instead of $23,500, the sum reported by the committee—the addition proposed being for interest on the sum which the committee states to be due for the services of Colonel Laurens. On the allowance of interest, a further discussion took place, in which Mr. BARBOUR supported, and Messrs. HOLMES, of Maine, SMITH, MACON, HAYNE, and BENTON, opposed the allowance.

Mr. HAYNE said that, as the name of Laurens had been mentioned, and his services had been alluded to, in debate, he could not, with justice to his own feelings, refrain from adding his feeble tribute of respect for the virtues, and admiration of the character, of that distinguished man. He felt that he would be indulged by the Senate when they remembered that he represented the State which had been honored by giving birth to that illustrious hero, and which had been still more honored in being the scene of his glorious death.

Colonel John Laurens, said Mr. HAYNE, was the Bayard of America. Of him, if of any man who ever lived, it could, with truth, be said, "he was without fear and without reproach!" He brought to the service of his country a Roman form, and more than a Roman soul. If you sought for him in the day of battle, he was found at the post of danger; if at any other moment, he was found at the post of duty. The love of his country controlled every other feeling of his heart; it might almost be said to be that "in which he lived, and moved, and had his being." It had been supposed, said Mr. HAYNE, that Colonel Laurens was a rash man, wholly reckless of life; who rushed, with the instinct of the lion, on his foe, and who was regardless because he was insensible of danger. Some countenance had indeed been given to this idea by the historians of the day. But Mr. H. was strongly impressed with the belief that injustice had, in this respect, been done to the character of Laurens, and that his ardent enterprise and heroic courage had been mistaken for thoughtless desperation.

Laurens possessed a highly cultivated mind. He was a man of thought as well as of action; "as great in counsel as in high resolve." It is not to be supposed, therefore, that such a man could have been insensible to danger. Mr. H. was satisfied, from facts within his own knowledge, that, although Colonel Laurens always felt himself compelled, by his noble nature and high sense of duty, to seek danger in his country's service, wherever it was to be found, yet he duly estimated the hazards of such conduct, and considered as probable the event by which he finally sealed, with his blood, his devotion to his country. When entering on his last campaign, he confided, to the care of a friend, a precious jewel, the gift of Louis XVI., with directions how it should be disposed of in the event of his fall. No, sir, said Mr. H., Colonel Laurens was neither insensible to danger nor indifferent to life. It was only when, to borrow the language of the immortal poet,

> "He set Honor in one eye, and Death in t'other,
> That he did look on Death indifferently."

The field of battle was not the only sphere in which Colonel Laurens displayed great talents and rare qualities. He was no less able as a negotiator than distinguished as a soldier. At the most critical period of the Revolution, Congress found it necessary to send to France for succor and support. They sought out Laurens in the camp, and confided to him a special mission to the Court of Versailles. His conduct on that mission was as striking and peculiar as it was eminently successful. He stamped his own high character on a transaction unexampled in the whole history of diplomacy. Arrived at the French Court, he trampled at once on all official forms, and, in the simple garb of an American soldier, pressed instantly into the presence of the Sovereign, eloquently and fearlessly explained the situation of his country, clearly pointed out the duty and interest of France, and demanded assistance. Patriotism and eloquence were signally triumphant. Laurens prevailed. He obtained at once that relief which was perhaps essential to the accomplishment of American independence, and which, if it had not been wholly denied to the usual course of tardy negotiation, might have come too late to produce the desired effect. Thus was the work of years accomplished in a few short weeks. But a few months had elapsed since Laurens had been seen in the ranks of the American Army, "in the thickest of the fight." And, now, (having, in the mean time, thrice crossed the Atlantic, and concluded a most important negotiation,) he was again on his native shores, bringing with him immense treasures, the fruits of his labors, and furnishing pay and clothing to the suffering soldiery. In a few days after his arrival, he was again found in the camp, marshalling to glory the soldiers of liberty. Mr. H. said, he would not attempt to follow him further in his glorious course. We all know that he fell at the head of his troops, gallantly fighting for the liberties of his country and the rights of mankind. It is delightful, said Mr. H., to reflect, that he fell "in the last of our fields," as if Providence, who had preserved him through so many perils, had permitted his career to be closed only when there were no more battles to be won.

It will hardly be believed by posterity that the hero, who fills so large a space in the annals of his country, died in his youth, not having yet attained his twenty-seventh year. As nearly connected with this subject, said Mr. H., it is worthy of remark, that Colonel Laurens was the purest and most disinterested of human beings. His political creed was that, in the hour of calamity, the life and fortune of the citizen is the property of his country, and that his services should be rendered gratuitously. Laurens received no pay, kept no private accounts, and most certainly never intended to demand, nor would have consented to receive any compensation for his invaluable services, military and diplomatic. It was in the same spirit that, on one occasion, he declined a commission in the Army, tendered him as a reward for his gallantry; not, assuredly, from insensibility to its value, (for military glory was the idol of his soul, and promotion the very reward for which his heart panted,) but because, as he himself declared, his promotion might give offence to older officers, and thus be injurious to the public service. Mr. H. said, he knew not how better to combine in one view the various traits which marked the character of John Laurens, than by adopting the eloquent language of the American historian:

> "Nature had adorned him with a profusion of her choicest gifts, to which education had added its most useful as well as its most elegant improvements. Acting from the most honorable principles; uniting the bravery and other talents of a great officer, with the knowledge of a complete soldier, and the engaging manners of a well-bred gentleman—he was the idol of his country, the glory of the army, and the ornament of human nature."

Mr. BENTON opposed, not only the allowance of the interest, but of the principal, also, as proposed to be granted by this bill. He thought, as the daughter of Colonel Laurens was still alive, that she was the only person who had a just claim to the money proposed to be paid; and, if the bill were to pass, it should be in her favor.

Mr. HOLMES, of Maine, moved the recommitment of the bill, for the purpose of providing that the money shall be paid to the daughter of Colonel Laurens, or her assignee. But a motion to lay the bill on the table prevailed.

THURSDAY, January 8.

The PRESIDENT communicated a letter from the Secretary of War, transmitting a copy of the Army Register, for each member of the Senate, conformably to a resolution of the Senate, of December 13th, 1815.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 29th December, the bill, entitled "An act for the relief of Brintnel Robbins, reported it without amendment.

Mr. EDWARDS, of Connecticut, submitted the following motion:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by joint resolution, that there be prepared and published, under the direction of the Secretary of State, with the index now required by the resolution of the 3d March, 1818, a statement of the acts and parts of acts, and joint resolutions, of a public nature, which are limited in their duration, specifying the time or contingency by which their duration is limited; and, also, into the expediency of providing, as aforesaid, that there be prepared and published, as aforesaid, with the laws of the present session of Congress, a statement of the acts and joint resolutions, of a public nature, not yet expired, passed since the organization of the present Government, which are limited in their duration, specifying the time or contingency by which their duration is limited.

Mr. EDWARDS stated that his intention was to obtain, in a more correct manner, the object proposed in a resolution offered a few days since by a member from Maine. Instead of calling upon the Secretary of State to report to Congress, session after session, the acts which are about to expire, Mr. E. thought such information might be obtained in a much more simple and expeditious way, if it were attached to the index usually published with the laws—that the additional labor of specifying, in this way, the particular time when the laws expire, could not be great; and, also, where the expiration of the law depends upon any contingency, that such contingency should be expressed in the same way. This method would have the effect to furnish the information, not only to the Representatives of the people, but to the people at large—and all interested in the laws might avail themselves of the information.

The resolution was laid over for consideration.

Mr. LLOYD, of Maryland, presented the petition of Mary Davis and Solomon Davis, heirs and representatives of Solomon Davis, deceased, stating that a contract was made between the Commissioner of the Public Buildings and the said Solomon Davis, for the supply of a quantity of Seneca stone; that a part of the stone delivered has been rejected by the Commissioner; and praying payment for the same, and the fulfilment of the contract on the part of the United States. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, presented the petition of Francis Larche, of New Orleans, praying compensation for a negro man, who was impressed into the public service, and killed, during the invasion of Louisiana by the British. The petition was read, and referred to the Committee of Claims.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of William Kendall," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 16th December, the petition of George De Passau, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," was read a third time, and passed.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Charles B. Davis, and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Josiah Hook, jr., and it was ordered to lie on the table.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred a resolution directing the Secretary of State, to report to Congress concerning the expiration of laws, reported the following resolution; which was read and passed to a second reading:

"*Resolved*, That there be added to the Standing Committees, consisting of five members each, directed to be appointed at the commencement of each session, with leave to report by bill or otherwise, the following:

"*A Committee of Revision*, whose special duty it shall be to report to the Senate, before the first day of March next, all such laws as expire before the close of the next session of Congress; and to make a similar report, on or before the first day of January, in each year."

The resolution submitted on Tuesday last, by Mr. JOHNSON, of Kentucky, instructing an inquiry "into the expediency of providing, by law, for the 'distribution of the Public Documents, Journals, 'Reports, and Laws of Congress, annually, to the 'several incorporated Libraries within the United 'States," was again read for consideration.

After some suggestions on the subject, from Mr. LLOYD, of Massachusetts, Mr. LOWRIE, and Mr. HOLMES, of Maine, Mr. JOHNSON consented to modify his proposition, so as to make a general inquiry into the expediency of a further distribution of public documents; and, in this shape, it was agreed to.

The following resolution, offered yesterday by Mr. BARBOUR, was again read for consideration:

"*Resolved*, That the President of the United States be requested to lay before the Senate, (if, in his opinion, it can be done, without injury to the public interest,) such information as will show the state of the relations between Spain and the United States, from the ratification of the Florida Treaty, up to the present time, and the effect produced on those relations, by the United States having established diplomatic intercourse with the independent Governments of South and North America."

Mr. **BARBOUR** stated, in a few words, the reasons that induced him to offer this resolution; and it was then agreed to.

OFFICERS OF THE CUSTOMS.

The resolution offered yesterday by Mr. **JOHNSON**, of Louisiana, directing an inquiry into the expediency of revising and amending the act of Congress, entitled "An act further to establish the 'compensation of officers of the customs, and to 'alter certain collection districts, and for other 'purposes," passed the 7th May, 1822, was again read for consideration.

Mr. **JOHNSON**, in support of his motion, said it had been fully shown, by experience, that the law in question absolutely required some amendment; in its present operation at New Orleans, and he believed at other places, it was certainly injurious to the interests of the country. In consequence of the reduction of his salary, the deputy collector at New Orleans had resigned his office; that office is now vacant, and likely to continue so; and it was apprehended that the collector would also resign his office; that, from the small salary allowed him, he was obliged to pay the contingent expenses of his office, which were considerable; leaving for himself but a small compensation for his services. When the unhealthiness of the climate, and the arduous nature of the duties of these officers, was considered, Mr. J. thought the propriety of some increase of their salaries must be evident. But, as the resolution merely proposed inquiry, he presumed there would be no objection to it.

The resolution was agreed to.

CASE OF FRANCIS HENDERSON, JR.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for the relief of Francis Henderson, jr. This bill proposes to grant a sum of money to Francis Henderson, jr., in full for services rendered to the country, by his grandfather, Colonel John Laurens. The question before the Committee was upon a motion by Mr. **HOLMES**, of Maine, to recommit the bill for the purpose of altering it, so far as to grant the money to Mrs. Henderson, the daughter of Colonel Laurens. This motion, at the request of Mr. **BARBOUR**, was withdrawn.

Mr. **BARBOUR**, after some further remarks on the nature of this claim, and in confirmation of those which he had previously made in Committee of the Whole, moved that the blank in the bill should be filled with the sum which the Committee originally reported to be due for the expenses incurred by Colonel Laurens.

Mr. **LOWRIE** said, that he had paid great attention to this subject, and he felt, after full investigation, that he could not vote for the bill, in any shape. As the subject had been discussed two days, he would now, in order to try the sense of the Senate, move its indefinite postponement.

Mr. **ELLIOTT** opposed the motion to postpone indefinitely. He said there could be no doubt that Colonel Laurens had really expended the moneys which the bill proposed to reimburse, and that the claim fairly came under the provision of Congress, existing at that time for the payment of the expenses of their foreign Ministers. The property left by Colonel Laurens to his family, had been diminished by these expenses; and it appeared no more than just that they should be paid. The circumstances under which the daughter was situated were such, that Mr. E. thought the money ought not to be given to her—he did not, therefore, see any impropriety in voting it to her son.

Mr. **LLOYD**, of Maryland, said he understood the question, as to passing the present bill, not to turn upon the justice of the claim, but, whether the person, whose name was mentioned in the bill, was fairly and legally authorized to receive the money. It was not asked as a bounty, but as a remuneration for services rendered, and expenses incurred; and it was imperative upon the Government to pay its just debts; but it was also important to know who has the just claim to it. If Colonel Laurens had any claim upon the Government when he died, his daughter undoubtedly became the heir to that claim. When she married Mr. Henderson, he acquired the right to the claim. If the claim rests on the law, it is certainly highly important to know to whom it now belongs. If Congress were to pay it now, wrongfully, they would be bound, by every principle of justice, to pay it again hereafter, provided the proper person came forward to claim it. If Mr. Henderson were now separated from his wife, by covenant or contract, it became necessary to inquire how far that separation would affect the claim. What is the nature of that separation? Does it secure the right in this claim to Henderson? Until he could see some evidence on this subject, Mr. L. said he could not say what right the grandson had to receive this money. No one, Mr. L. remarked, could be more ready than himself to extend a fostering hand to those, and to the descendants of those who had rendered distinguished services to the country, and no one was more sensible of the importance of the services rendered by Colonel Laurens; but he wished, before he was called upon to vote on this subject, to know to whom the money was due, and who had a legal claim to it—suppose, by a contract with his wife, that Henderson had been prohibited from receiving the amount of this claim—under such circumstances, how could he transfer a right to his son, which he did not himself possess? If it were paid to the son, in such a case, Congress might be called upon, by the wife of Henderson, to pay it again. These reasons, Mr. L. said, would induce him to vote for postponement, reserving it to the justice of the country to recognise the claim, when it came forward in a less dubious shape.

Mr. **LANMAN** made some inquiry as to the items in Colonel Laurens's account, which had been allowed by the Government; in answer to which, Mr. **BARBOUR** furnished the information required.

Mr. **EDWARDS**, of Illinois, believed that nothing less than an absolute divorce could deprive Mr. Henderson, the father, of the right to receive this claim. As no divorce had taken place, he surely retained that right; and, if so, he could transfer it to his son. If nothing more than a separation, without a divorce, had taken place, it did not vitiate the right of Mr. Henderson; and, as he had assented to the grant being made in favor of his son, there was no doubt in his mind, Mr. E. said, that the son of Henderson had a fair claim.

Mr. **BARBOUR** intimated his wish, provided the motion to postpone indefinitely were withdrawn, to propose an amendment to the bill, so as to require the relinquishment of all claims by Francis Henderson the father, and Frances E. Henderson the mother, previous to the payment of the money to Francis Henderson, junior.

Mr. **LOWRIE** accordingly withdrew his motion for indefinite postponement, in order to admit the amendment.

Mr. **LLOYD**, of Massachusetts, was in favor of the allowance of the claim; for, he believed that a wise liberality in conducting the affairs of the nation, was the most proper economy; he would not agree that one dollar of this money should go to the husband, or to the wife, in this case; but he felt perfectly willing to give it to the son, for his own exclusive use and benefit; he, therefore, proposed an amendment to strengthen the expressions used in that which was offered by Mr. **BARBOUR**.

Mr. **EDWARDS**, of Connecticut, expressed his reluctance to legislate at all on this subject, at this time, and renewed the motion for its indefinite postponement.

Mr. **HAYNE** opposed the postponement; he could see no good reason for refusing to act upon the claim. There could be no doubt, he thought, in the mind of any gentleman present, that there did exist an equitable claim for the services of Colonel Laurens; he had left a daughter; that daughter had married, and her husband was living; they had a son. Now, either the daughter, her husband, or her son, or all of them together, were entitled to this money; and to one, or to all of them, it ought to be paid. In the strict sense of the law, no one could recover it. It was left to the equity of Congress to pay it; and, whichever of the persons in question were to receive it, Congress could never be expected to pay it a second time. Mr. H. thought the son the most proper person to receive it. There could be no doubt that the blood of Colonel Laurens flowed in his veins; he was now about twenty-five years of age, and just entering upon a professional life. In the morning of his days, this money would be of the utmost importance to him.

Mr. **CHANDLER** believed the gentleman from South Carolina was mistaken, when he said that no man doubted the justice of this claim—he, for one, did not believe this money to be due—he believed that Colonel Laurens had received all the pay he had expected, or wished, from the Government—and there had not been sufficient evidence produced to convince him that this debt was due. He should, therefore, feel compelled to vote against it. He had no doubt that Colonel Laurens had rendered very essential services to the country; nor did he wish to diminish their importance—but he did not believe the present claim to be founded in justice.

On motion of Mr. **KELLY**, the bill was ordered to lie on the table.

AMENDMENTS TO THE CONSTITUTION.

Mr. **BENTON**, from the Select Committee, to whom was referred the several resolutions proposing amendments to the Constitution, in regard to the election of President and Vice President, reported the following resolutions; which were read, and ordered to be printed:

"*Resolved, &c.*, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be a part of the said Constitution:

"For the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. These districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented. In each of these districts, the persons qualified to vote for the most numerous branch of the State Legislature, shall choose one Representative.

"For the purpose of choosing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; which districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented. The persons qualified to vote for the most numerous branch of the State Legislature, in each of these districts, shall choose one Elector.

"The Electors, when convened on the day and at the place prescribed by law for the purpose of voting for President and Vice President, shall have power, in case any of them shall fail to attend before noon of such day, to choose an Elector or Electors in place of him or them so failing to attend.

"The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall have been adopted, and immediately after every future census, and apportionment of Representatives under the same. And such districts shall not be altered, until another census shall have been taken, and an apportionment of Representatives under it, shall have been made.

"When the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been signed, certified, and transmitted, sealed, to the Seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall open all certificates, and the votes shall then be counted.

The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot, after which a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed. If no person have that majority, then he shall be chosen by the Senate, as directed by the Constitution.

"*Resolved*, That no person, having been twice elected to the office of President of the United States, shall again be eligible to that office."

Mr. **BENTON** gave notice that he should call up the preceding resolutions, for consideration, a week from the next Monday.

FRIDAY, January 9.

Mr. **LANMAN** presented the petition of Samuel Peters, stating, he has become the purchaser of the title of the late Jonathan Carver to a tract of land at the Falls of St. Anthony, granted to him by two Sachems of the Sioux tribes, in the year 1767; and praying authority to take possession of the same. The petition was read, and referred to the Committee on Public Lands.

Mr. **D'WOLF** presented the petition of David Melville, of Newport, Rhode Island, stating that, in pursuance of an advertisement of the Fifth Auditor of the Treasury, he offered proposals for supplying the lighthouse establishment of the United States with oil, and keeping the lamps and apparatus in repair, which proposals were more favorable to the Government than those accepted, and praying such relief as may appear just and proper. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. **KELLY** presented the petition of James Edington, of Alabama, praying an act may pass to authorize his children to enter at the proper land office a section of land, at the minimum price, for reasons set forth in the petition; which was read, and referred to the Committee on Public Lands.

Mr. **JOHNSON**, of Kentucky, from the committee appointed on the subject, on the 10th ultimo, reported a bill to abolish imprisonment for debt; which was read, and passed to the second reading.

Mr. **MILLS** presented the petition of Ebenezer Oliver, and others, of Massachusettss, stating that, conformably to the provisions of the act "providing for the indemnification of certain claimants of public lands," they released to the United States their claims to certain lands; but that the commissioners appointed to investigate their title, having erroneous information of the laws of Georgia, did not award to them the indemnity provided in the act; and praying to be allowed the indemnity, or to be reinstated in their title to the lands released. The petition was read, and referred to the Committee on the Judiciary.

On motion of Mr. **D'WOLF**, it was ordered, that the petition of Samuel Slater and others, manufacturers of cotton, in the State of Rhode Island, heretofore presented, be printed for the use of the Senate.

Mr. **BARTON**, from the Committee on Public Lands, to whom was referred, on the 16th instant, the petition of Joseph Wood, reported a bill for the relief of Joseph Wood, of Ohio; which was read, and passed to the second reading.

Mr. **VAN BUREN**, from the Committee on the Judiciary, to whom was referred, on the 29th ultimo, the petition of John Hall, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The bill for the relief of Joseph C. Boyd, reported by the Committee on Claims, was taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read a third time.

The bills from the other House for the relief of Brintnel Robbins, and for the relief of William Kendall, were severally taken up in Committee of the Whole, reported without amendment, and passed to a third reading.

On motion, the report of the committee, to whom was referred the several resolutions, proposing amendments to the Constitution of the United States, was recommitted.

The report of the Committee on Public Lands, unfavorable to the petition of George de Passu, was taken up for consideration. Mr. **BARTON** stated that the report was founded on the total want of evidence of the petitioner's title to the tract of land which he claims. The report was agreed to.

The resolution submitted yesterday by Mr. **EDWARDS**, of Connecticut, instructing an inquiry into the expediency of publishing, with the index to the Laws, a statement of the acts, parts of acts, and joint resolutions, of a public nature, which are limited in their duration, specifying the time or contingency by which their duration is limited; was again read, and agreed to.

The resolutions reported yesterday by the Committee on the Judiciary, providing for the appointment of a committee of revision, to report such laws as expire previous to the first of January, in each year, was again read, and laid upon the table.

The bill for the relief of Josiah Hook, junior, reported by the Committee on the Judiciary, was taken up, as in Committee of the Whole. The bill provides for the payment of $1,165 to Josiah Hook, junior, collector of the port of Penobscot, in Maine, as indemnification for a judgment obtained against him, for the seizure of some cattle, within his district, during the late war, which he had reason to suppose were intended to be smuggled for the use of the enemy. Some observations upon the ground and merits of this claim were made by Messrs. **HOLMES**, of Maine, **EATON** **VAN BUREN**, and **MILLS**. The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

The bill from the House of Representatives, for the relief of Jacob Babbit, of Bristol, Rhode Island, was taken up as in Committee of the Whole. Mr. RUGGLES explained the grounds of the bill. It provides that the interest of the duties upon a large quantity of sugar destroyed by the great storm in September, 1805, shall be remitted. The payment of the duties having been delayed, in consequence of the loss sustained by the owners, the bill proposes to release them from the interest on the same. The bill was reported to the Senate, without amendment, and passed to a third reading.

Mr. HAYNE gave notice that, on Wednesday next, he should call up the resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President; in order that members who wish to propose amendments to the resolutions may have an opportunity to do so.

The Senate resumed, as in Committee of the Whole, the bill to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate, and Clerk of the House of Representatives, and of the clerks employed in their offices, and of the Librarian," passed 18th April, 1818; and the further consideration thereof was postponed to Monday next.

Mr. SEYMOUR submitted the following motion for consideration; which was read:

Resolved, That the Secretary of the Senate be authorized to employ in his office an additional engrossing clerk, during the continuance of the sickness of Samuel Turner, junior; and that the person so employed shall be allowed and paid, out of the contingent fund of the Senate, at the rate of four dollars per day.

Mr. BENTON, from the Committee to whom was referred the resolution, introduced by Mr. DICKERSON, proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of a President and Vice President of the United States, reported the same with an amendment; which was read, and ordered to be printed for the use of the Senate.

Mr. BENTON, from the same committee, reported a resolution proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States; which was read, and passed to a second reading.

On motion, by Mr. BENTON, the Committee to whom were referred, on the 16th December, the several resolutions proposing amendments to the Constitution, was discharged from the further consideration of the resolutions which have not been reported on.

NAVY PENSION FUND.

The amendment proposed by the Committee on Naval Affairs, to the bill from the House of Representatives, further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service, was taken up in Committee of the Whole.

Mr. LLOYD, of Massachusetts said, that the object proposed by the bill, as it came from the House of Representatives, was to extend the time of certain pensions which had been already granted on the Navy Pension Fund; and that the amendment, reported by the committee, was intended to repeal another law, now in existence, in relation to the same fund; that, in order to enable the Senate to judge correctly whether it were proper to concur in the bill on the table, or to amend it as proposed by the Committee, it might be useful that he should briefly advert to the origin of the fund, its present state and situation, and the future prospects which were supposed to attend it. The Navy Pension Fund had its date in 1800. Prior to that time, during the Revolutionary war, and the early periods of the Federal Government, pensions had been occasionally granted to distinguished and meritorious Army and Navy officers, but no distinct fund had existed for the payment of those pensions, prior to the year 1800. At that time, Congress passed a law in which the prize money that had accrued during the *quasi* war with France, in 1798, and all money that should thereafter accrue to the United States from the sale of prizes, should, forever, be appropriated as a pension fund, for the purpose of providing for those officers, seamen, and marines, who had been disabled in the line of their duty, and become entitled thereto; and the faith of the United States was expressly pledged, if the fund should be found insufficient for this purpose, to make good the deficiency from its other sources of revenue; but, in case there should be a surplus income from the fund, beyond the charges on it, that then such surplus should be applied to making further provision for the disabled officers, seamen, and marines, and for such as, by a course of long continued and faithful services, might merit the gratitude of their country.

This was the origin of the pension fund, in 1800, but the law of that year no further applied to the cases now under consideration, than that it shows the commencement and object of the fund; that it was to be perpetual; that the faith of the Government was pledged to supply any deficiency; and that part of the original appropriation constituted a part of the existing fund at the present time, and carried along with it all the provisions of the original law.

Thus the fund rested until after the commencement of the late war between the United States and Great Britain, when, in January 1813, an act was passed, providing that, if any officer of the Navy or marines should be killed, or die by reason of a wound received in the line of his duty, the widow or child of such officer should be entitled to receive a pension for five years, equal to the half monthly pay of such deceased officer. The next year, 1814, the same provision was extended to seamen and marines; the pensions under both of these acts expired in course; and, in 1818 and 1819, other acts were passed, giving to those who enjoyed them an extended term of five years, making the pension for ten years instead of five; they have now again expired, or are about expiring, and the purpose of the present bill is to give them an extended operation of five years more, making the term of fifteen years instead of ten, as last provided.

In determining this question, the only interesting point with regard to it was, whether the income of the fund was sufficient for this charge upon it; for if it were not, as the faith of the Government was pledged to make up any deficiency, an inconvenient claim might be made upon its other resources. It had been endeavored, therefore, to ascertain this with precision, and Mr. L. believed he could very nearly, if not exactly, show the situation of the fund, even so late as the first of the present month.

There were then, as he understood, on the Navy pension list, three hundred and sixty-five male pensioners, receiving - - - - - - - - -	$27,282
Sixty-nine widows and orphans, of whom there were, as he believed, only three children, receiving - - - -	10,130
	$37,412

To which might be added, the salary of the secretary of the fund, and some contingent expenses, probably making the aggregate disbursement for the past year, amount to $38,000.

Against this was to be placed the income of the fund, which consisted of $781,411, invested in the most secure fund on the face of the earth, the funded debt of the United States—which gave an interest this year of $45,934.

Ninety-nine thousand five hundred and two dollars, most unfortunately invested in the stock of one of the local banks, which, for the last six months, gave no dividend, and probably would not, for a considerable time to come; and, on which investment, if the stock were now sold, a loss would be sustained by the fund, of $70,000. And $29,000 of other bank stock, of better credit, in the District, which he would estimate as yielding, annually, a full rate interest of six per cent. per annum; thus giving, as the gross product of the fund, about $48,000—and leaving a balance in favor thereof, of $10,000.

This, Mr. L. said, was a cheering view of the subject, the unfortunate investment notwithstanding; and, recollecting that the fund has been created by the gallant enterprise of those whose descendants enjoyed it, that it was abundant for the purpose, and the pensioners to whom it was to be given had been selected heretofore as being worthy of the patronage, and entitled to the gratitude of their country, as the representatives of those who had nobly offered up their lives on the altar of patriotism, and had splendidly illustrated the naval character of their country, in every quarter of the globe, there could be no hesitancy in giving the extended term proposed, and in concurring with the bill from the House of Representatives, which the Committee unanimously recommended.

The section proposed to be added to the bill, and which provided for a repeal of part of the present system, remained to be considered. The law referred to, was that of 1817, to amend and explain an act for giving pensions to the orphans and widows of persons slain in the public and private armed vessels of the United States; which, probably, originated under the influence of one of those impulses of humanity, which do so much honor to nations as well as individuals, but which was so broad and naked in its provisions, that, when understood—and a knowledge of it was now, he believed, fast extending—as to absorb, if acted on according to its letter, not only any surplus which the fund might give, but also to make a heavy tax on the public Treasury. The act provides that, if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, (the expression gives a prospective operation, and the law is unlimited as to duration,) or shall have died, since 1812, in consequence of disease contracted, or of casualties, or of injuries, received while in the line of his duty—his widow or child shall be entitled to a half monthly pension for five years; and under the wording of this act, it is contended that, admitting men are received into service in good health, scarcely a death can occur, but what may be traced or attributed to some disease, casualty, or injury, received in the course of his duty; and the marine, perhaps a loose or itinerant member of society, who enlisted yesterday, if killed last night, while on duty as a sentinel round the Capitol, by the fall of a tile from its roof, or who, from patroling its damp arcades, caught a catarrhal affection, producing consumption and terminating in death—the seamen who died in the Congress frigate off Manilla, or at the Havana, those who were sufferers under Captain Spence on the coast of Africa, and the victims to the epidemic at Thompson's Island the last Summer, are all of them entitled to give to their widows, or children, if they have them, a right to the claim of a pension or half monthly allowance of five years, under the present act. This, he would observe, is not an idle apprehension; cases have occurred under it, and are increasing, while the commissioners, unwilling to admit a construction which they do not believe was ever contemplated, are still precluded by the letter of the law, from decisively rejecting the claims which have already arisen, and which cannot but rapidly multiply.

It never was, nor could have been, in the contemplation of the Government to give to every common seaman or marine, who, in time of peace, might die by disease contracted, or casualty occurring in the course of his duty, a right, after a day or month's service, to place his widow or his child on the pension list for five years; it was a perversion of the pension act, although the literal construction was a correct one, as he understood, in the opinion of the commissioners, as well as others; and to prevent the extension of this evil, after most scrupulously guarding the rights of all those who had received pensions, and of all those also who might, by possibility, be entitled to them up to the date of the repeal of the act, the amendment now offered was recommended, and in this recommendation the committee were also unanimous. The effect of it, if adopted, would be, to restore the pension fund to its original and legitimate uses; one of which, and perhaps the most important, was to excite to deeds of noble daring, and chivalrous achievement, the officers and seamen of our country, by the assurance which was given them that, if superannuated after long and faithful services, or if disabled, they would receive succor from their Government; or if slain, or dying from honorable wounds, that their widows and orphans should receive support, at least for a term of five years, from the proceeds of a fund, which ought sacredly to be preserved for these most useful purposes; leaving new or individual cases which may occur hereafter, to be provided for according to their merits.

These, Mr. LLOYD said, were the views which influenced the Committee, and which he had thought it respectful to the Senate to communicate.

On motion of Mr. JOHNSON, of Kentucky, who also offered some remarks on the subject, the further consideration of the bill was postponed to Monday next.

MONDAY, January 12.

The PRESIDENT communicated a letter from the Secretary of the Navy, transmitting a report of the Commissioners of the Sinking Fund, in obedience to the act for the better government of the Navy of the United States; and the letter and report were read.

The PRESIDENT laid before the Senate a report of the Postmaster General, communicating in obedience to a resolution of the Senate, of the 29th December, all the information in his possession as to the condition of the National road, commencing in Madisonville, in the State of Louisiana, and terminating in Florence, on the Tennessee river, and as to the expediency of transporting the mails to and from New Orleans on the said route; and the report was read, and referred to the Committee on the Post Office and Post Roads.

Mr. SMITH presented the memorial of the Chamber of Commerce of the city of Baltimore, praying the passage of an act establishing an uniform system of bankruptcy. The memorial was read, and referred to the Committee on the Judiciary.

Mr. BARBOUR presented the memorial of Thos. Maybury, and others, of Botetourt county, in Virginia, praying an additional duty on foreign iron imported, and on certain manufactures thereof.

Mr. FINDLAY presented the memorial of Robert Jenkins, and others, praying an additional duty on foreign iron imported, and on certain manufactures thereof.

Mr. DICKERSON presented the memorial of John Moore, and others; the memorial of Charles Boker, and others; and the memorial of Abram Sharples, and others; severally praying an additional duty on foreign iron imported, and on certain manufactures thereof.

The five last mentioned memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. BARBOUR presented the petition of persons claiming indemnification for property captured by the French, previous to the year 1800—their claim having been abandoned by this Government in the convention with France.

Mr. SMITH presented a petition of a similar nature, and moved their reference to a select committee of the Senate. This motion gave rise to some debate, as to the propriety of raising a select committee, or referring them to the Committee on Foreign Relations, (the latter course being suggested by Mr. KING, of New York,) in which Messrs. SMITH, BARBOUR, KING of New York, LANMAN, LOWRIE of Maryland, and LLOYD of Massachusetts, engaged. The great amount of these claims, and the general importance of the subject, was urged as a reason for raising a special committee. The motion, however, was lost; and the petitions were referred to the Committee on Foreign Relations.

Mr. LLOYD, of Massachusetts, presented the memorial of Paul Gardener and Sons, and others; the memorial of William Pearce, and others, merchants, of Gloucester, Massachusetts; the memorial of Joseph Peabody, and others, merchants of Salem; and the memorial of P. C. Brooks, and others, merchants and underwriters of Boston, severally praying indemnification for depredations committed by the public and private armed vessels of France, from the year 1793 to 1800; and the memorials were read, and respectively referred to the Committee on Foreign Relations.

Mr. HOLMES, of Maine, presented the memorial of James Miller, and Robert Miller, of Belfast, Maine; the memorial of James Perkins and Sons, of Kennebunk; the memorial of Joseph Emerson, and others, of Scarborough; the memorial of Woodbury Storer, and others; the memorial of Otis Little, and others, of Castine; and the memorial of John Crosby, severally praying indemnification for the seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the Government of France. The memorials were read, and severally referred to the Committee on Foreign Relations.

Mr. LANMAN presented the memorial of Justice Riley, of Wethersfield, Connecticut; the memorial of John Caldwell, and others, merchants and underwriters, of Hartford; and the memorial of Jabez Huntington, and others, merchants, of Norwich; severally praying indemnification for the seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the French Government. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. VAN BUREN presented the memorial of Frederick De Peyster and Company, and others, merchants and underwriters, of the city of New York, praying indemnification for the illegal seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the French Government. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. Knight presented the memorial of Richard Jackson, and others, merchants and underwriters, of Providence, Rhode Island, praying an indemnity for depredations committed under the authority of the Government of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. Edwards, of Connecticut, presented the memorial of James Goodrich, and others, praying indemnification for the illegal seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the Government of France. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. Hayne presented the petition of Banister Jones, praying to be released from his responsibility, as surety, under a contract first entered into by Elias Earle, and afterwards transferred to Adam Carruth, for supplying the United States with a quantity of small arms. The petition was read, and referred to the Committee on Military Affairs.

Mr. King, of Alabama, presented the petition of Obadiah Jones, receiver of public moneys at Huntsville, Alabama, praying to be exonerated from the payment of a sum of money, belonging to the United States, of which he was robbed. The petition was read, and referred to the Committee of Claims.

Mr. Barton presented the petition of Thomas F. Riddick, stating that he has been deprived of the possession of a tract of land in Missouri, of which he is proprietor, by reason of certain treaties with Indians, fixing their boundaries; and praying permission to convey to the United States his right and title to the same, and in consideration thereof to be allowed to locate a like quantity on any public lands in the said State. The petition was read, and referred to the Committee on Public Lands.

Mr. Smith, from the Committee on Finance, to whom was referred, on the fifth instant, the bill, entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania," reported the same without amendment.

Mr. Lanman, from the Committee on the Post Office and Post Roads, reported a bill to authorize the Postmaster General to discontinue the transportation of the mail in certain cases; which was read, and passed to the second reading.

Mr. Jackson, from the Committee on Military Affairs, to whom was referred, on the 19th December, the memorial of Thomas Williamson, and others, made a report, together with a bill, explanatory of the act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the 4th of May, 1822; and the report and bill were read; and, on motion, the bill was read the second time, by unanimous consent, and the report ordered to be printed for the use of the Senate.

Mr. Smith, from the Committee on Finance, reported a bill making a partial appropriation for the support of Government, during the year 1824; which was read, and passed to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom was referred, on the 23d December, the petition of Taylor Berry, reported a bill for the relief of the legal representatives of Firman Le Sieur; which was read, and passed to the second reading.

Mr. King, of Alabama, from the Committee on Public Lands, to whom the subject was referred on the 30th December, reported a bill, granting to the State of Alabama the right of pre-emption to certain quarter sections of land; which was read, and passed to the second reading.

The bill for the relief of Joseph C. Boyd was read a third time, the title amended, and the bill passed.

The bill for the relief of Josiah Hook, jr., was read a time, and passed.

The bill entitled "An act for the relief of Jacob Babbit" was read a third time, and passed.

The bill entitled "An act for the relief of Brintnel Robbins" was read a third time, and passed.

The bill entitled "An act for the relief of William Kendall" was read a third time, and passed.

On motion of Mr. Ruggles, the Senate proceeded to consider the report of the Committee on Claims, unfavorable to the petition of Charles B. Davis. This petitioner claims remuneration for the loss of furniture destroyed by the enemy at Washington. He states that he was a messenger in the service of the Treasury Department; that a cart and wagon had been prepared for the removal of his furniture, but that they were impressed into the public service, and his property thereby destroyed. Messrs. Eaton, Johnson, of Kentucky, and Lanman, opposed the report, and Messrs. Ruggles and Chandler, supported it. A motion, by Mr. Eaton, to reverse the report, was lost, and the report was agreed to.

The report of the Judiciary Committee, unfavorable to the petition of John Hall, was taken up for consideration. Mr. Van Buren stated that the petitioner was a paymaster in the service of the United States; that he had become a defaulter to a considerable amount, and was now imprisoned in the State of Missouri; that the committee could see no particular reasons for extending relief in this case; and, as the subject was now within the power of the Executive, were of opinion that it was unnecessary for Congress to act upon this subject. The report was then agreed to.

The bill to abolish imprisonment for debt was read the second time.

The bill for the relief of Joseph Wood, of Ohio, was read the second time.

The resolution proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, was read the second time.

The resolution to authorize the Secretary of the Senate to employ an additional clerk, during the indisposition of Samuel Turner, jun., was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service, with the amendment proposed thereto by the Naval Committee of the Senate. The amendment was agreed to, the bill reported to the Senate, and passed, as amended, to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, together with the amendment reported thereto; and it was postponed to, and made the order of the day for, Wednesday next.

The bill, which originated in the Senate, to revive and continue in force an act providing compensation for the Secretary of the Senate and Clerk of the House of Representatives, and for other purposes, was taken up for consideration. On motion of Mr. **EATON**, the bill was amended, by the substitution of a new one for it; and, subsequently, it was referred, on motion of Mr. **LANMAN**, to the Committee on the Contingent Expenses of the Senate.

TUESDAY, January 13.

The **PRESIDENT** laid before the Senate a report of the Secretary of War, made in pursuance of a resolution of the Senate, of the 17th January, 1821, in relation to a military road from Fort St. Philip to the English Turn. The report was read, and referred to the Committee on Military Affairs.

Mr. **PARROTT** presented the memorial of a number of merchants of Portsmouth, New Hampshire, praying indemnity for depredations committed by the public and private armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. **HAYNE** presented the memorial of a number of merchants and underwriters of the city of Charleston, South Carolina, praying indemnity for depredations on their property, by the public and private armed vessels of France, during the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. **FINDLAY** presented the memorial of Samuel Potts, of Berks county, Pennsylvania, praying an additional duty on foreign iron imported, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. **NOBLE**, from the Committee on Pensions, to whom was referred, on the 5th instant, the bill, entitled "An act for the relief of Sarah Chitwood," reported it without amendment.

Mr. **BARTON**, from the Committee on Public Lands, to whom was referred, on the 2d instant, the petition of Alexander A. White, made a report, together with a resolution that the prayer of the petitioner ought not to be granted.

The amendment to the bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," having been reported by the committee, correctly engrossed, the bill was read a third time, as amended, and passed.

On motion, by Mr. **VAN BUREN**, the Committee on the Judiciary, who were instructed by a resolution of the Senate, of the 9th instant, to inquire into the expediency of certain additions to the index to the laws, were discharged from the further consideration thereof.

The bill for the relief of the legal representative of Firman Le Sieur was read the second time.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land was read the second time.

The bill to authorize the Postmaster General to discontinue the transportation of the mail in certain cases was read the second time.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Samuel Gilbert; and the further consideration thereof was postponed to Monday next.

The bill from the other House for the relief of certain distillers in the county of Berks, in the State of Pennsylvania, was taken up, as in Committee of the Whole. This bill provides remuneration for an excess of excise duties on their stills, paid to the United States by the persons in whose favor it is draughted, in consequence of a misconstruction of the law, on the part of the supervisor. Mr. **SMITH** stated the object of the bill. It was then reported to the Senate without amendment, and passed to a third reading.

The bill to abolish imprisonment for debt, reported by a select committee of the Senate, was taken up, in course, and having received an amendment, was, on motion of Mr. **JOHNSON**, of Kentucky, postponed to Monday of the week after next.

The bill making partial appropriations for the support of Government, during the year 1824, was on motion of Mr. **SMITH**, and by general consent, taken up for consideration, as in Committee of the Whole. The bill makes appropriation for the payment of the Senators and Representatives in Congress, and for the officers, clerks, and servants of both Houses. It was reported to the Senate, and passed to be engrossed and read the third time.

The bill reported in the Senate, by the Committee on Public Lands, for the relief of Joseph Wood, of Ohio, was taken up as in Committee of the Whole. Mr. **BARTON** stated that the bill merely provided payment for the services of Mr. Wood, as receiver of public moneys, for a short time, during a vacancy of that office.

Mr. **LOWRIE** opposed the bill, on the ground of an unwillingness to give an officer double pay for services not great, and, in this case, very little additional trouble, &c.

Mr. **RUGGLES** explained, and spoke in favor of the bill, and it was then reported to the Senate without amendment, and passed to be engrossed and read a third time.

Mr. **LLOYD**, of Massachusetts, from the Committee on Naval Affairs, to whom was referred a resolution (introduced some time ago by Mr. PARROTT) to inquire into the expediency of increasing the number of sloops of war, made a report thereon, accompanied by the following bill:

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to cause to be built, in addition to the present naval force of the United States, a number of sloops of war, of the first class, not exceeding ten, to carry not less than twenty guns each, of such description and weight of metal as the President may direct, and that the sum of eight hundred and fifty thousand dollars be, and the same is hereby, appropriated for the purpose aforesaid, out of any moneys in the Treasury not otherwise appropriated.

The bill had two several readings, and the documents accompanying it were ordered to be printed.

WEDNESDAY, January 14.

NICHOLAS VAN DYKE, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Secretary of the Navy, made in conformity to the 9th section of an act, "to regulate and fix the compensation of the clerks in the different offices," exhibiting the names of the clerks employed in the Navy Department, and in the office of Navy Commissioners, during the year 1823.

Mr. HOLMES, of Maine, presented the petition of Nahum Morrill, and others, residing in the vicinity of Wells, in the State of Maine, praying the erection of a pier at the entrance of that harbor, for reasons stated in the petition; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. LOWRIE presented the memorial of the Chamber of Commerce of the city of Philadelphia, praying the construction of an artificial harbor, near the Capes of the Delaware, for reasons stated at large in the memorial; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. CHANDLER presented the memorial of Abiel Wood, and others, of Wiscasset, in the State of Maine, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of John Brooke, and others, of the city and county of Philadelphia; the memorial of Thomas Phipps, and others; and the memorial of John Innes, and others; severally praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of John Clarke, and others, of Bridgetown, New Jersey; and the memorial of Lewis Mulford, and others, of Cumberland county, New Jersey; severally praying an additional duty on the importation of foreign iron, and on certain manufactures of that article. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida;" a bill, entitled "An act for the relief of Garrett Fountain;" also a bill, entitled "An act making a partial appropriation for the year 1824;" in which bills they request the concurrence of the Senate.

Mr. BROWN, from the Committee on Roads and Canals, to whom was referred, on the 7th instant, the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the petition of Celestin Moreau, reported a bill for the relief of Celestin Moreau,; which was read, and passed to the second reading.

On motion by Mr. BARTON, the Committee on Public Lands, to whom was referred, on the 9th instant, the petition of James Edington, were discharged from the further consideration thereof.

A motion was made by Mr. NOBLE, that the Committee on Pensions be discharged from the further consideration of the petition of Dean Weymouth, referred to that committee on the 30th of December. Whereupon, the motion was ordered to lie on the table.

Mr. PARROTT submitted the following motion for consideration; which was read:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of continuing the pensions heretofore granted by law to the widows and orphans of persons slain in the private-armed vessels of the United States, or who may have died in consequence of any accident or casualty which occurred on board such vessels during the late war.

Mr. HAYNE, for the purpose of bringing the whole subject embraced by the bill of Mr. EATON, yesterday referred to a standing committee, laid on the table the following resolution:

Resolved, That the Committee on the Contingent Expenses of the Senate be instructed to inquire into the expediency of providing for the election, at stated periods, of the Secretary of the Senate, the principal and engrossing clerks, the Sergeant-at-Arms, and Doorkeeper of the Senate.

The bill from the House of Representatives, entitled "An act making a partial appropriation for the year 1824," was twice read, by unanimous consent, and considered as in Committee of the Whole; and having been amended, it was reported to the House accordingly; and the amendment being concurred in, it was ordered to be engrossed, and the bill be read a third time.

The bill from the House of Representatives, entitled "An act for the relief of Garrett Fountain," was twice read by unanimous consent, and referred to the Committee of Claims.

THURSDAY, January 15.

THOMAS CLAYTON, appointed a Senator by the Legislature of the State of Delaware, to fill the vacancy occasioned by the resignation of CÆSAR A. RODNEY, produced his credentials, was qualified, and took his seat in the Senate.

Mr. KELLY presented the memorial of the General Assembly of the State of Alabama, praying the right of pre-emption to a quarter section of land may be granted, in the mode suggested, to each of the counties therein mentioned, for the location of their seats of justice. The memorial was read, and referred to the Committee on Public Lands.

Mr. BARTON presented the petition of John Rush and Samuel Conway, of Missouri, praying the grant to each of one or more quarter sections of land, in consideration of their services during the Revolutionary war. The petition was read, and referred to the Committee on Public Lands.

Mr. FINDLAY presented the memorial of William Bowen, and others, praying an additional duty on imported iron, and on certain manufactures of that article. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. FINDLAY presented the petition of Robert McBride and Stephen Kerr, administrators of Andrew Mitchell, stating that the said Andrew Mitchell, being a captain of a volunteer rifle company, was called into service during the late war, and thereby prevented from using a still, for which he had obtained a license, and praying that the sum paid for said license may be refunded. The petition was read, and referred to the Committee of Claims.

Mr. BRANCH presented the memorial of J. G. Blount and others, merchants of Washington, North Carolina, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to the year 1800; and the memorial was read, and referred to the Committee on Foreign Relations.

Mr. BRANCH presented the memorial of John Hogg and others, merchants of Fayetteville, North Carolina, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. ELLIOTT presented the petition of Samuel J. Axson, of Georgia, praying compensation for his services as a surgeon, in the first regiment of South Carolina, in which capacity he continued to the close of the Revolutionary war, without having received any emolument whatever. The petition was read, and referred to the Committee on Military Affairs.

The bill entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," was twice read, by unanimous consent, and referred to the Committee on Public Lands.

The amendment to the bill, entitled "An act making a partial appropriation for the year 1824," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The bill entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania," was read a third time, and passed.

The engrossed bill for the relief of Joseph Wood, of Ohio, was read a third time, and passed.

The engrossed bill making a partial appropriation for the support of Government for the year 1824 was read a third time, and ordered to lie on the table.

The bill for the relief of Celestin Moreau, of Louisiana, was read the second time.

The report of the Committee of Claims, unfavorable to the petition of Alexander A. White, was taken up; and on motion of Mr. JOHNSON, of Louisiana, (who intimated an intention to oppose the report,) it was postponed until to-morrow.

The Senate proceeded to consider the motion of the 14th instant to inquire into the expediency of continuing certain pensions, and agreed thereto.

The Senate proceeded to consider the motion of the 14th instant to inquire into the expediency of electing, at stated periods, the Secretary and other officers of the Senate; which was amended, and agreed to, as follows:

Resolved, That the Committtee on the Contingent Expenses of the Senate be instructed to inquire into the expediency of providing for the election, at stated periods, of the Secretary of the Senate, the principal and engrossing clerks, the Sergeant-at-Arms, and Doorkeeper, and Assistant Doorkeeper, of the Senate.

The Senate then proceeded to the consideration of the report of the select committee, on the several amendments proposed to the Constitution of the United States.

This report proposed a substitute for the amendment offered by Mr. DICKERSON.

Mr. BENTON now submitted an amendment proposing, as a substitute, the proposition offered by him on the 9th instant, to the Constitution; and then moved that the subject be postponed to Wednesday next; which motion was agreed to.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution reported by the committee, proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the fourth day of May, 1822; and on motion, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the resolution to authorize the Secretary of the Senate to employ an additional engrossing clerk, during the continuance of the indisposition of Samuel Turner, junior; and it was referred to the Committee on the Contingent Expenses of the Senate.

The bill for the relief of Sarah Chitwood was taken up in Committee of the Whole, and after some explanatory remarks in its favor by Mr. NOBLE, it was, on motion of Mr. EATON, ordered to lie on the table.

The bill for the relief of the representatives of Firman Le Sieur was taken up, and after some explanation of the circumstances of the case, by Mr. BARTON, and some discussion of the merits of the claim, by Messrs. CHANDLER, SMITH, BENTON, LOWRIE, KING, of New York, EATON, and HAYNE, the bill was laid over to Monday.

Mr. KING, of New York, submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury report to the Senate what progress has been made in preparing the maps directed to be made and laid before the Senate, by their resolution of the 28th day of February last; and in case the maps are not completed, whether additional assistance be requisite to enable the Commissioner of the General Land Office to complete the same.

Mr. KING, of New York, submitted the following resolution for consideration, which was read:

Resolved, That there be added to the rules of the Senate the following:

The presiding officer of the Senate shall examine and correct the Journals, before they are read, and shall have the regulation of such parts of the Capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

On motion by Mr. RUGGLES, David Cooper had leave to withdraw the documents in support of his claim, presented at the last session.

The bill granting to the State of Alabama the right of pre-emption to a quarter section of land in each of three or four counties of that State, was taken up in Committee of the Whole.

Mr. KING, of Alabama, and Mr. KELLY, explained severally the grounds on which the State asked this pre-emption, and the expediency of granting it, both as relates to the interests of the United States, and the convenience of the people of the State; and Mr. BROWN subjoined some remarks on the subject, favorable to the object of the bill. The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas, and making an appropriation of $15,000 therefor.

Mr. BROWN made some remarks on the expediency of authorizing this connecting link between the old States and the Territory of Arkansas, the convenience of it to the people, and its value to the public interests, &c.

Mr. KELLY described the country through which the road would probably pass, the facilities or difficulties which would be found in making it; its advantages, &c.

Mr. KING, of New York, wished the bill to be laid on the table. There was not before the Senate sufficient information at present, to authorize its acting on the subject; there was a want of particularity as to the probable cost of the road, its length, advantages, &c., which ought to be had before the Senate passed this bill. It was probable, moreover, that the question as to the construction of roads by the Government, would soon come before the Senate in a more enlarged and general form, which it was proper to consider first, and decide, whether it was expedient for this nation to commence the system of internal improvement, and the employment of the public treasure in the construction of roads, &c. Mr. K. made a number of remarks on the subject, indistinctly heard, but understood to indicate that he was opposed to the application of the resources of the Union to the purpose of making roads, &c. He concluded by moving that the bill be laid on the table for the present; which motion prevailed—ayes 22.

TRANSPORTATION OF THE MAIL.

The Senate took up, in Committee of the Whole, the bill authorizing the Postmaster General to discontinue, at his discretion, the transportation of the mail on any post routes where the net proceeds of such route shall not exceed —— per centum of the expenses thereon.

Mr. LANMAN moved to fill the blank with one-third.

Mr. JOHNSON, of Louisiana, opposed the bill at some length, chiefly on the ground of its total inexpediency, and particularly of the hardness of its operation on Louisiana, and other parts of the Union thinly inhabited, where the transportation of the mail was expensive, in consequence of wide water courses, &c., and where they would scarcely have a mail at all, if the bill passed. He dissented, also, from the propriety of giving to the Postmaster General a power so great, and affecting so seriously the convenience of the people of all the new States. He should disapprove of the bill in any shape, but especially with the blank filled as proposed, as, with such a limitation, it would deprive Louisiana of many of her post routes, although a single city in that State yielded probably revenue enough from postages to pay for transporting all the mails of the State.

The bill was also opposed by Mr. HOLMES, of Maine, and Mr. KING, of Alabama, on grounds similar to those of Mr. J.; they thinking that a general law on the subject would operate with unjust severity on certain sections of the country; and for the purpose of destroying the bill, Mr. K. moved its indefinite postponement.

Mr. BARBOUR opposed the bill on principle, it being, as he contended, at war with the duty of the Government and the highest interest of a Republic—the diffusion of knowledge among the people. The small expense, he argued, ought not to be considered in comparison with such an object; and if it was for the purpose of economy that the measure was introduced, he thought the pepper-corn which would be saved by it was not worth gaining in this way—if retrenchment was necessary it should be resorted to in the great branches of expenditure, the military and naval establishments, &c., not by curtailing the diffusion of information amongst the people because they were remote or thinly settled, &c.

Mr. **LANMAN** replied and justified the expediency of the bill, on the ground of the necessity which existed for economising the revenue of the Post Office Department, the expenditure of which was, in consequence of the existence of so many unproductive post routes, greater than its receipts. He admitted the great importance and value of diffusing information among all the citizens of the Republic, but this was a privilege which might be paid for too dearly, and he thought the measure would be expedient. He moved, instead of the indefinite postponement, that the bill be laid on the table; which was carried.

FRIDAY, January 16.

Mr. **EDWARDS**, of Connecticut, presented the memorial of a number of manufacturers, mechanics, and friends of national industry, of the State of Connecticut, praying the revision of the tariff, an additional duty on woollens, fine cottons, and iron, and a duty on sales at auction. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. **FINDLAY** presented the memorial of William J. Young, and others, of the city and county of Philadelphia, praying additional protection to the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. **DICKERSON** presented the memorial of Joseph Jackson, and others, of Morris county, New Jersey; the memorial of Peter Van Horne, and others; the memorial of Lewis Baker, and others; the memorial of Henry Mooney, and others; the memorial of John C. Doughty, and others; the memorial of William Patterson, and others; the memorial of James Quinby, and others; the memorial of Thomas Harris, and others; the memorial of William Hunt, and others; the memorial of Ephraim Adams, and others; the memorial of Henry Harrison, and others; also, the memorial of William Gordon, and others; severally praying additional specific duties on the articles therein enumerated, for the protection of the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. **LLOYD**, of Maryland, presented the memorial of Samuel G. Kennard, and others, merchants of Chestertown, Maryland, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. **JOHNSON**, of Louisiana, presented the petition of Calvin Smith, praying the confirmation of his title to a tract of land in the State of Mississippi, containing thirteen hundred and twenty arpens. The petition was read, and referred to the Committee on Public Lands.

Mr. **PARROTT** presented the petition of Reuben Shapley, stating that the schooner John and cargo belonging to the petitioner were captured by His Britannic Majesty's ship of war Talbot, in 1815, within the time limited by the Treaty of Peace for the restoration of captured vessels; that the said vessel and cargo were lost on the Island of Cuba, through the misconduct or negligence of the captors; and that he has been unable to obtain indemnity from the British Government; and praying such relief as to Congress may seem meet. The petition was read, and referred to the Committee on Foreign Relations.

Mr. **LLOYD**, of Maryland, presented the memorial of the Common Council of Alexandria, praying certain amendments to their charter. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. **BARTON**, from the Committee on Public Lands, to whom was referred, on the 17th of December, the memorial of the Legislature of Missouri, reported a bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; which was read and passed to the second reading.

On motion by Mr. **BARTON**, the Committee on Public Lands were discharged from the further consideration of the memorial of the General Assembly of the State of Alabama, referred to the committee on the 15th instant.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. **EATON** submitted the following motion for consideration:

Resolved, That the Committee on the District of Columbia inquire if any, and what, amendments, alterations, and improvements, are necessary in the judicial code of said District.

Mr. **WILLIAMS** submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to prepare for the Senate a list of all pursers and navy agents who are in arrears to the United States, and the amount of such arrearage in each case, and the sum which is likely to be lost ultimately by the Government.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land having been reported by the committee, correctly engrossed, was read a third time and passed.

THE RIGHT OF PRE-EMPTION.

The Senate resumed the consideration of the report of the Committee on Public Lands unfavorable to the petition of Colonel Alexander A. White, who petitioned Congress to grant him the right of pre-emption to a small tract of public land, which he had settled, on the west bank of the Mississippi river.

Mr. JOHNSON, of Louisiana, moved to reverse the report, and, in support of this motion, he explained the nature of the claim, and offered his views at some length. It appears, from his statement, and from the papers which he read, that the petitioner was a distinguished officer of the late war; that, when disbanded in 1815, being unable to purchase lands, and not knowing that the act of Congress, granting the right of pre-emption to settlers on the public lands in Louisiana, had expired, he settled on a tract of land belonging to the United States, situated on the Mississippi river, in the parish of West Baton Rouge, and had built houses, drained lands, and made considerable improvements thereon; that he had made a public road, and a levee, for near three miles in front of the land, which had reclaimed a considerable portion of the public lands from the inundation of the river, and added greatly to the value of the public lands in the vicinity. He prayed that Congress would grant him a donation, or pre-emption right to the land in question.

Mr. J. said, that the committee had reported against the claim, on the ground that the petitioner had settled in violation of the act of Congress of 1807, prohibiting settlements upon the public lands. He contended, that the act alluded to was passed to meet one or two cases of extraordinary character, and not to prevent emigration to the West, and that Congress had, in numerous instances, since that act passed, granted the pre-emption right to settlers in the new States and Territories; that sound policy required that the practice should still be continued; that it should be the object of the Government to strengthen the most exposed parts of the Union, by a dense white population; that such a population was particularly required in Louisiana, to protect the country against internal commotion and external invasion; and he argued to show, that such a course would operate even to the advantage of the Government, in a pecuniary point of view, as it would add to the value of the public lands in the neighborhood. He complained of the delay, on the part of the Government, in not surveying and bringing into market the public lands in Louisiana, in consequence of which, those who had removed to that country had not been afforded an opportunity of purchasing public lands: and that emigration had been repelled from the country. Mr. J. contended, that, from the circumstances he had stated, this was one of the strongest cases which could occur; that the petitioner had been an officer of distinguished merit; that he had enlisted a company of men, and served with great reputation throughout the Creek war; that, at New Orleans, in an attack on the enemy, he was severely wounded, in consideration of which, and for his gallant conduct on that occasion, he was brevetted to the rank of a Lieutenant Colonel. Mr. J. said that, if distinguished services, if gallant conduct in action, if wounds received in fighting the battles of the country, give claims upon the favorable consideration of the Government, Colonel White was entitled to that consideration. He concluded by remarking, that the honorable member who commanded at New Orleans, (alluding to General Jackson,) would, he was persuaded, testify to the gallantry and distinguished services of Colonel White.

Mr. JACKSON confirmed the representation which had been made of the meritorious conduct of Colonel White, in the campaign at New Orleans, where he was, in the battle of the 23d December, severally wounded; and Mr. J. observed, that, if gallant conduct, meritorious services, and severe sufferings, entitled any man to the boon he asked for from the Government, no one could have stronger claims than Colonel White, and he, for one, should give the petitioner his vote.

A debate ensued on this subject which, from the number and talents of the gentlemen who engaged in it, and the earnestness and ability displayed, rendered it interesting, and would have entitled it to a full report, had the principle involved not repeatedly, heretofore, been the subject of the deliberations and acts of Congress.

Besides the gentlemen above named, the application of the petitioner was advocated by Messrs. SMITH, LANMAN, BENTON, and BROWN; and it was opposed by Messrs. BARTON, LOWRIE, VAN DYKE, CHANDLER, BARBOUR, KING, of New York, and MACON. In support of the claim were urged principally the reasons stated above—the merits and services, and poverty, of the petitioner; the worthless quality of the land, in its natural condition, before the petitioner had reclaimed it by his labor, by the erection of embankments to keep the river from overflowing it, &c.; the additional value which this settlement and the improvements gave to neighboring public lands; the propriety of granting pre-emptive rights to encourage the settlement of the waste public lands; former exceptions made by Congress to the law, &c. On the other hand, were urged the settled policy of the nation, solemnly adopted by Congress, in the passage of an act, forbidding all persons from setting down on any of the public lands; the impropriety of holding out encouragement to persons to violate the law by granting pre-emption to this petitioner who had, contrary to law, established himself on the public lands; that in acting on such a case the merits of the individual (which all acknowledged) ought not to be taken into consideration; that if the prohibitory law was wrong, it ought to be repealed, but while in existence it ought to be rigidly enforced, and not have impunity and encouragement held out to disregard and violate it, &c.

The debate continued, with much animation, until three o'clock.

The question being taken on Mr. JOHNSON'S motion to reverse the report and grant the prayer of the petitioner, it was decided by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Edwards of Connecticut, Hayne, Jackson, Johnson of Louisiana, Kelly, King of Ala., Lanman, Smith, and Talbot—11.

NAYS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Taylor of Indiana, Thomas, Van Buren, Van Dyke, and Williams—32.

The report of the committee was then agreed to.

MONDAY, January 19.

NICHOLAS WARE, from the State of Georgia, whose credentials were read and filed during the last session, attended, was qualified, and took his seat in the Senate.

The PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in pursuance of an act "to regulate and fix the compensation of clerks in the different offices," exhibiting the amount received by each clerk in the several offices of the Treasury Department, for services rendered during the year 1823.

The PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Director of the Mint, giving the result of sundry assays, made in pursuance of instructions from that Department.

The PRESIDENT communicated a letter signed William H. Jones, soliciting the patronage of the Senate to Lucas's Universal Atlas.

Mr. LOWRIE presented the memorial of James C. Fisher, and others, merchants and underwriters, of the city of Philadelphia, stating that their claims against the Government of France for illegal seizures and condemnations, were released by the convention of 1800; and praying the payment of the same, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. BARBOUR presented the memorial of Alexander Wilson, and others, merchants and underwriters, of Norfolk and Portsmouth, in the State of Virginia, stating that their claims against the Government of France, for the illegal seizure and condemnation of their property, were released by the convention of 1800; and praying the payment thereof, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. SMITH presented the memorial of a number of merchants, manufacturers, and property-holders, of the city of Baltimore, representing the injurious tendency of the auction system, and praying a duty of ten per centum may be imposed on sales by auction, excepting the effects of bankrupts, of deceased persons, goods sold for the benefit of underwriters, shipping, and real estate. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of Samuel J. Read, and others, and the memorial of William Russell, and others, praying an additional duty on the importation of foreign iron, and on certain manufactures thereof. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. HOLMES, of Maine, said that, by an act of Congress, the sum of $10,000 per annum, was appropriated for the purpose of civilizing the Indian tribes in the vicinity of the United States; that it had been apprehended, by the wording of that act, that the sum, thus appropriated, could be applied to the civilization only of such tribes of Indians as are located on the frontiers of the country; that several of the States had Indian tribes within their limits, who were as fit subjects for the provisions of the act as any others, and whose situation promises as much success in any attempt at improving their condition; that, in the State of Maine, there were two of this kind, the Penobscot and the Passamaquoddy tribes. Mr. H. remarked, that the law required an annual exhibition to Congress, of the expenditure of the sum appropriated; but that he had not seen such a statement. His present object, however, was to inquire whether the act might not be so modified as to extend the benefits of its provisions to other Indians than those situated on the frontiers. He therefore submitted the following resolution, which was read, and laid over for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire whether any alterations are necessary, in the act "making provision for the civilization of the Indian tribes adjoining the frontier settlements," so as to authorize a part of the fund, provided by the act, to be applied to the instruction and civilization of the Indians in the State of Maine, or any other State where such Indians are *not* adjoining "frontier settlements."

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of repealing the act of Congress, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law," passed the 3d of March, 1807.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the Secretary of the Senate be, and hereby is, authorized to purchase five copies of Lucas's Universal Atlas, for the use of the Senate.

Mr. SMITH, from the Committee on Finance, to whom was referred, on the 19th of December, the memorial of the President and Directors of the Merchants' Bank of Newport, Rhode Island, made a report; which was read, and ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom was recommitted, on the 26th December, the report of said committee on the petition of Hanson Kelly, with certain instructions, made a report; which was read.

Mr. Mills, from the Committee on Foreign Relations, to whom was referred, on the 12th of December, the petition of Richard O'Brien, made a report; which was read, and ordered to be printed for the use of the Senate.

Mr. Van Buren, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Maine," reported it with an amendment; which was read, and ordered to be printed for the use of the Senate.

Mr. Barton presented sundry documents, relating to the petition of Thomas F. Riddick, presented on the 12th instant; and they were referred to the Committee on Public Lands.

On motion, by Mr. Elliott, Daniel W. Coxe had leave to withdraw his memorial and documents.

Mr. Johnson, of Kentucky, gave notice that he should ask leave to bring in a bill for the relief of James Johnson.

The Senate proceeded to consider the motion of the 15th instant, in relation to the progress made in preparing maps, directed to be made and laid before the Senate, by their resolution of the 28th day of February last; and agreed thereto.

The resolution offered on Friday last, by Mr. Williams, directing the Secretary of the Treasury to prepare, for the Senate, a list of all pursers and navy agents, who are in arrears to the United States, with the amount of arrearages, and the sum likely to be lost by the Government, was again read, and agreed to.

The resolution offered on Friday last, by Mr. Eaton, directing an inquiry, whether any, and, if any, what amendments, alterations, and improvements, are necessary in the judicial code of the District of Columbia, was again read, and agreed to.

The bill for the final adjustment of land claims, in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain, was read the second time.

Mr. Smith, from the Committee on Finance, reported a bill which came from the other House, "authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," with a trifling amendment.

On motion of Mr. S., the bill was taken up for consideration in Committee of the Whole, reported to the Senate, and passed to a third reading. Subsequently, by general consent, the bill had its third reading, was passed as amended, and sent back to the other House.

On motion of Mr. Jackson, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by the Military Committee of the Senate, explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons engaged in the late campaign against the Seminole Indians, passed the 4th of May, 1822." This bill provides for the payment for horses and equipages lost by the volunteer officers engaged in that campaign, and for the payment of the value of horses and equipages lost in battle, by the volunteer officers and soldiers in the said campaign. A discussion of some length took place upon the propriety of passing this bill; in which Messrs. Jackson, Chandler, Eaton, Johnson of Kentucky, Lowrie, Lanman, Benton, Ruggles, Holmes of Maine, and Hayne, engaged. The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The resolution proposing an additional rule for conducting business in the Senate was read the second time.

Tuesday, January 20.

Mr. Ruggles presented the petition of Jesse Camp, of Ohio, praying a pension, in consideration of his services during the Revolutionary war. The petition was read, and referred to the Committee on Pensions.

Mr. Brown presented the petition of John Pritchard, of Ohio, surviving brother and heir at law of Samuel and William Pritchard, who were soldiers in the Revolutionary army, praying the bounty in land to which his brothers were entitled, or an equivalent in money.—Referred to the Committee on Military Affairs.

Mr. D'Wolf presented the memorial of Audley Clarke and others, merchants of Newport, Rhode Island, praying indemnity for depredations committed under the authority of the Government of France, from 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Agreeably to notice, Mr. Johnson, of Kentucky, asked and obtained leave to introduce a bill for the relief of James Johnson; which was read, and passed to the second reading.

Mr. Johnson, of Kentucky, submitted a document in relation to the settlement of the accounts of James Johnson.

Mr. Ruggles from the Committee of Claims, to whom was referred, on the 14th instant, the bill entitled "An act for the relief of Garrett Fountain," reported it without amendment.

The Committee of Claims were discharged from the further consideration of the petition of John Frank, referred to the committee on the 18th December.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom was referred, on the 7th instant, the bill, entitled "An act for the relief of Samuel Wharton," reported it without amendment.

Mr. Johnson, of Kentucky, from the Committee on Military Affairs, to whom was referred, on the 13th instant, the petition of Banister Stone, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The Committee on Public Lands were discharged from the further consideration of the petition of John Rush and Samuel Conway, referred to the committee on the 15th instant.

The bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," was read a third time, and, on motion, amended, by unanimous consent, and passed.

Mr. VAN BUREN gave notice that he should ask leave, on Thurday next, to introduce a joint resolution, proposing an amendment of the Constitution of the United States, on the subject of the power of Congress to make roads and canals.

Mr. HOLMES, of Maine, gave notice that he should ask leave to bring in a bill to provide for the security of public money in the hands of attorneys, clerks of courts, and marshals, and their deputies.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the President be requested to cause information to be given to the Senate of the progress made for fixing sites for fortifications at St. Mary's and Patuxent rivers; in preparing plans for the same; and in estimating the cost of each fortification; conformably with the resolution of the Senate of the 20th of February, 1823.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensions;" in which they request the concurrence of the Senate.

The report of the Committee on Claims, unfavorable to the petition of Hanson Kelly, of North Carolina, was taken up for consideration. This petitioner claims an additional sum of money, which he states to be due him, under a contract with the marshal of North Carolina, for supplying rations to prisoners during the late war. Mr. RUGGLES stated the views of the committee on the subject. Messrs BRANCH, MACON, BELL, EDWARDS, of Illinois, KELLY, CHANDLER, SMITH, VAN DYKE, and LANMAN, spoke upon the allowance of the claim. A motion of Mr. MACON, to reverse the report of the committee, prevailed; and the report was recommitted, with instructions to prepare a bill for the relief of the petitioner.

WEDNESDAY, January 21.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, attended.

Mr. LANMAN presented the petition of Cornelius Huson, stating that, during the late war, he was impressed, together with his sleigh and horses, into the service of the United States; that, while in this service, in attempting to cross the ice, at Sackett's Harbor, his horses and sleigh were lost, and himself severely wounded; and praying relief. The petition was read, and referred to the Commtttee on Pensions.

Mr. LLOYD, of Maryland, presented the memorial of the President and Directors of Columbia Turnpike Road Company, praying an augmentation of the tolls authorized by the act of incorporation. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. HOLMES, of Maine, presented the petition of George Ulmer, stating that, during the late war, a transport ship, belonging to the enemy, having been run on shore, and abandoned, a quantity of ordnance on board was preserved, and delivered to an officer of the United States, through the exertions of the petitioner and a company of United States troops and volunteers, under his command; and praying compensation for the same. The petition was read, and referred to the Committee on Naval Affairs.

Mr. D'WOLF presented the memorial of John T. Child, and others, merchants and underwriters, of Warren, Rhode Island, praying indemnity for the seizure and condemnation of their property, under the authority of the Government of France, from 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of Joseph Old, and others, praying an additional duty on imported iron, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON presented the petition of Henry M. Johnson, praying compensation for his services in surveying and marking a road from Reynoldsburgh, on the Tennessee river, to intersect the Natchez old road. The petition was read, and referred to the Committee of Claims.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of William Vaughan, reported a bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; which was read, and passed to the second reading.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred, on the 19th December, reported a bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States; which was read, and passed to a second reading.

Mr. RUGGLES, from the Committee of Claims, agreeably to instructions, reported a bill for the relief of Hanson Kelly; which was read, and passed to a second reading.

Mr. D'WOLF, from the Committee on Commerce and Manufactures, to whom the subject was referred, on the 17th December, reported a bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp; which was read, and passed to a second reading.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the Secretary of the Navy be requested to communicate to the Senate, so far as can be ascertained from the accounts in the Navy Department, the quantity of cordage, manufactured from hemp of domestic growth, which has been used in the service of the Navy since the year 1812; and the reasons, if any, why cordage manufactured from domestic hemp cannot be used as advantageously, and as economically, for the Navy of the United States, as cordage manufactured from imported hemp.

Mr. EATON, from the Committee on Public Lands, to whom was referred the bill entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported it with an amendment; which was read.

On motion, by Mr. LANMAN, the Senate resumed the consideration of the motion, of the 14th instant, to discharge the Committee on Pensions from the further consideration of the petition of Dean Weymouth, and it was determined in the negative.

The Senate proceeded to consider the motion of the 20th instant, to authorize the purchase of five copies of Lucas's Atlas; and it was referred to the Committee on the Library.

The Senate proceeded to consider the motion, of the 20th instant, relative to the progress made in fixing sites for fortifications at St. Mary's and Patuxent rivers; and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a resolution in relation to an intended visit of the Marquis de Lafayette to the United States; in which they request the concurrence of the Senate.

The resolution was received, and twice read by general consent; when Mr. HAYNE moved that the resolution be referred to a select committee. On this motion some conversation took place, not on the merits of the resolution, but on the questions whether it was best to refer it at all, and, if so, to what committee; on which points there was some diversity of opinion, but none in regard to the feelings of respect and affection for Lafayette, for whom all the gentlemen expressed these sentiments in warm terms. Messrs. KING, of New York, BRANCH, HOLMES, of Maine, CHANDLER, JOHNSON, of Kentucky, LANMAN, and HAYNE, took part in this discussion, which resulted in the reference of the resolution to a select committee of five members; and Messrs. HAYNE, KING, of New York, MACON, SMITH, and JACKSON, were appointed the said committee.

The bill entitled "An act concerning invalid pensions" was read, and passed to the second reading.

The bill for the relief of James Johnson was read the second time, and referred to the Committee on Military Affairs.

The Senate proceeded to consider the report of the Committee on Military Affairs, on the petition of Banister Stone; and it was ordered to lie on the table, and be printed for the use of the Senate.

The bill from the House of Representatives making an appropriation for opening a road from opposite Memphis, on the Mississippi, to Little Rock, in the Territory of Arkansas, was taken up.

Mr. CHANDLER, conceiving that the decision on this bill would in effect settle what the sense of the Government is, in the long agitated question of internal improvements, said he should ask for the yeas and nays on its passage.

Mr. BROWN said if this bill could settle that question, it had been settled long since, as similar acts had been passed, &c. The question was then taken on ordering the bill to a third reading, and was carried.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the resolution, introduced by Mr. DICKERSON, proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of President and Vice President of the United States, together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The report of the Committee on Foreign Relations, unfavorable to the petition of Richard O'Brien, was taken up and agreed to.

The report of the Committee on Finance, unfavorable to the memorial of the Merchants' Bank of Newport, Rhode Island, was taken up for consideration. The petitioners pray that certain stamp duties, which they paid on the notes of their bank, in the year 1817, may be refunded, for certain reasons stated in their petition. Mr. D'WOLF opposed the report, and moved an amendment, so as to reverse the effect of the report. Messrs. SMITH, HOLMES, of Maine, and LLOYD, of Massachusetts, also spoke against the report. The motion of Mr. D'WOLF prevailed, and the report was recommitted, with instructions to bring in a bill.

The resolution submitted yesterday by Mr. HOLMES, of Maine, proposing an inquiry into the expediency of extending the provisions of an act for the civilization of the Indians on the frontiers, to the tribe of Indians within the United States, was again read and agreed to.

SETTLEMENTS ON PUBLIC LANDS.

The resolution proposed yesterday by Mr. JOHNSON, of Louisiana, proposing an inquiry into the expediency of repealing the act of Congress, "preventing settlements being made on the public lands, until authorized by law," was again read for consideration.

Mr. JOHNSON, in support of the resolution, said that, in the discussion which had taken place a few days since, upon the claim of Colonel White, the act mentioned in this resolution had frequently been alluded to, and several members had expressed their opinion that it ought to be repealed. Being of the same opinion himself, knowing that the operation of the law was very injurious to the interests of the State of Louisiana, and believing that it could never be the true policy of the Government to prevent the settlement of its lands; he had proposed an inquiry into the propriety of repealing that law. He thought that, so far from preventing the settlement of these lands, the Government should do all in its power to encourage it. Vast tracts of lands in the State of Lousiana yet remain unsettled, and it is not in the power of the State, under the present circumstances, to do any thing towards their settlement. Many of the lands in question had not even been surveyed. The power of the United States to hold such lands, waste and useless to the State in which they are situated, is doubted by many of the most enlightened and intelligent men. It was an opinion entertained, Mr. J. said, by many persons, who were highly competent to judge in such a case, that when the State was admitted into the Union, with all the privileges and powers belonging to the other States, that it had a right to the control over these lands—at any rate, to whomsoever this power belongs, it is obvious that the settlement of lands ought to be facilitated, and with a view to that object, he had submitted this resolution; as it merely proposed an inquiry into the expediency of repealing the law, he trusted it would not be objected to.

Mr. KING, of New York thought it an unusual course to refer a subject of this kind to a committee; as it could as well be settled by the Senate, without such reference. He dissented entirely from the opinions advanced by the gentleman from Louisiana—he thought the true policy of the country was, to prohibit, by all possible means, the unlawful settlement of its lands. These lands had been purchased of the Indians, with money from the public Treasury—surveys had been instituted, at great expense to the nation—and the prices, which the Government now puts upon its lands, are so very low, that no reasonable man can require that they should be less. The terms upon which they are offered are highly advantageous to every one who is desirous to go there, and make settlement. Although the policy of France and Spain had been different, in regard to the settlement of public lands, yet, Mr. K. thought our policy far the most unexceptionable, as it provides for a regular, just, and moral settlement, by fair and legal titles. Every one who wished to become the possessor of a portion of the land in question, could easily acquire a sure title to it. If such a regular and orderly settlement was to be produced, it could only be done by adhering to the system which the Government has adopted. Mr. K. asked gentlemen to consider, if the public lands were thrown open to every one who saw fit to settle upon them, without price and without title, whether there could be any guarantee for the security of property, in such a settlement.

If those extensive tracts of country of which the gentleman had spoken, were settled in that way, men would be sent to Congress to make laws for the people, who had themselves entirely disregarded the laws and the rights of property. Such a state of things would be deplorable indeed. The only men who are fit to make laws for the people, are those who hold their property by a just and fair title. He believed that Congress had ever been willing to do, and had done, every thing that was fair and equitable, to encourage the settlement of the public lands; and he had always thought that the system now acted on had greatly advanced that object. The greatest difficulties which had been encountered in the business, had arisen from the uncertainty of the French and Spanish titles. If this law, which is so necessary to the credit and the happiness of the country, were repealed, such a repeal would have a strong tendency to subvert the proper settlement of the lands belonging to the Government.

Mr. JOHNSON briefly replied to Mr. KING. Messrs. HOLMES, of Maine, and BENTON, made a few remarks on the subject; and the resolution was negatived by a considerable majority.

THURSDAY, January 22.

Mr. SMITH presented the petition of Thomas Evans and William Coppuck, stating that, in the execution of their contract with the United States for building a lighthouse, and the appendages thereto, at the mouth of the Patapsco river, they have been compelled by sickness, and other casualties, to expend a greater sum than that to which, under their contract, they are entitled; and praying to be indemnified from loss.—The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the memorial of William F. Chesley and others, securities of Thomas Evans and William Coppuck, praying to be reimbursed a sum by them advanced to the said Thomas Evans and William Coppuck, for the purpose of enabling them to fulfil their contract with the United States for the erection of a lighthouse and other buildings.—The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Amasa Stetson, made a report, together with a bill for the relief of Amasa Stetson.—The report and bill were read, and the bill passed to the second reading.

Mr. BELL, from the Committee of Claims, to whom was referred, on the 31st December, the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, deceased, made a report, together with a resolution, that the prayer of the petitioners ought not to be granted.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred a resolution to authorize the employment of an additional engrossing clerk during the indisposition of Samuel Turner, jr., reported the same with an amendment.

Mr. KELLY communicated a resolution of the Legislature of the State of Alabama, requesting their Senators and Representatives in Congress to convey to that body the anxiety felt that a law may pass to authorize the holding of the district court of the United States at some place in the northern portion of the State.—The resolution was read, and laid on the table.

Mr. KING, of Alabama, communicated a resolution of the Legislature of the State of Alabama, requesting their Senators and Representatives in Congress to use their best exertions to obtain such a modification of existing laws as will enable that

State to effect the improvement of its navigable waters; and particularly to obtain the consent of the United States to two acts, passed by the Legislature of the said State: the one, entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters;" the other, "An act to improve the navigation of the Tennessee river."—The resolution was read, and referred to the Committee on the Judiciary.

Mr. **Kelly** presented the memorial of the General Assembly of the State of Alabama, praying relief to certain purchasers of public lands, who have been aggrieved by the construction given to the act of 1821.—The memorial was read, and referred to the Committee on Public Lands.

The Senate proceeded to consider the motion of the 21st instant, relative to cordage manufactured from hemp of domestic growth, which has been used in the service of the Navy since the year 1812, and agreed thereto.

The bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy, was read the second time.

The bill entitled "An act concerning invalid pensioners," was read the second time, and referred to the Committee on Pensions.

The bill for the relief of Hanson Kelly was read the second time.

On motion, by Mr. **Eaton**, the Senate resumed, as in Committee of the Whole, the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," together with the amendment reported thereto; and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill authorizing the building of an additional number of sloops of war for the naval service of the United States; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of President and Vice President of the United States, together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate resumed, as in Committee of the Whole, the bill for the relief of William Gilbert; and it was referred to the Committee on Foreign Relations.

The Senate resumed, as in Committee of the Whole, the bill for the relief of the legal representatives of Firman Le Sieur; and, no amendment having been made, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Celestin Moreau, of Louisiana; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama;" and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the resolution submitted on the 15th instant, proposing an additional rule for conducting business in the Senate, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Samuel Wharton; and it was ordered to lie on the table.

AMENDMENT TO THE CONSTITUTION.

Mr. **Van Buren** rose, in pursuance of notice given on Wednesday last, to ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, on the subject of the power of Congress to make roads and canals. He said he was as much opposed as any man, to frequent alterations of the form of government under which we live, but he would make no apology for bringing this matter before the Senate, in so imposing a form as that of an amendment to the Constitution. He would not do so, because he was entirely convinced that no one could dispassionately consider the present state of the question, to which his resolution relates, without feeling the imperious necessity of some Constitutional provision on the subject. It was not his intention, at this time, to enter into the discussion of the matter; he would only submit one or two general remarks in relation to it. Of the importance of the question, it was not necessary to speak. Suffice it to say, that, in its scope, it embraces the funds of the nation to an unlimited extent, and in its result must affect, as far as the agency of the Federal Government was concerned, the future internal improvement of a great and flourishing country. Is the power to make roads and canals, within the States, now vested in the Federal Government? Individuals, said Mr. V. B., may give their impressions, with their reasons for the various ingenious constructions they put upon the different parts of the Constitution, to make out that this power exists; but all candid men will admit that there are few questions more unsettled. Whilst, in some States, the power is universally conceded, and its exercise loudly required, in others, its existence is as generally denied, and its exercise as ardently resisted. Is there cause to believe that, as the Constitution now stands, a construction will obtain, which will be so far acquiesced in as to be regarded and enforced as one of the established powers of the General Government? He thought there was not. For about twenty years, this subject had been one of constant and earnest discussion. Efforts have at various times been made in Congress to exercise the power in question. They have met sometimes with more, and sometimes with less, favor. Bills, containing the assertion, and directing the exercise of this power, have passed the two Houses, and been returned, with objections, by two successive Presidents, and failed for want of the Constitutional majority. The last Congress and the Executive were arrayed against each other, upon the question, and as far as a recent vote of the other House may be regarded as evidence of the present opinion of Congress, there is every reason to believe that such is now the case.

The Government has now been in operation rising of thirty years; and although the subject has always been a matter of interest, no law clearly embracing the power has ever yet been passed. There is, therefore, but little reason to hope, that, without some Constitutional provision, the question will ever be settled. If the General Government has not now the power, Mr. V. B. said, that he for one, thought that, under suitable restrictions, they ought to have it. As to what those restrictions ought to be, there might, and probably would, be diversity of opinion. But, as to the abstract proposition, that as much of the funds of the nation as could be raised, without oppression, and as are not necessary to the discharge of existing and indispensable demands upon the Government, should be expended upon internal improvements, under restrictions regarding the sovereignty and securing the equal interest of the States, he presumed there would be little difference of opinion. He could not but hope, that those who think the better construction of the Constitution is, that Congress now have the power, would also consent to some amendment. They must, at all events, admit that it is far from being a clear, and certainly not a settled matter, and in view of the danger always attending the exercise of a doubtful right by the Federal Government against the persevering opposition of the several States, they would decide whether, instead of contesting this matter as it has been done for so many years, it would not be more for the interest of the nation, as well as the credit of the Government, to place the matter on well defined ground. There were many strong reasons why he thought this course ought to be pursued, and which, at the proper time, he would take the liberty to urge. For the present, he would simply add, that, independent of the collisions of State interests, which this power is more likely than any other to produce, the exercise of it in the present state of the Constitution, and with an Executive whose reading of it should be different from that of the present, and the two who last preceded him, could not fail to be grossly unequal among the States; because it is well known that there were some States who have invariably, and who will, as long as they prefer the inviolability of the Constitution to their local interest, continue to oppose the exercise of this power with them. Without, therefore, the ability to prevent, they would be excluded from the benefits of its exercise. The course now proposed had been earnestly recommended to the last Congress by the present Executive, and, when the subject came up for discussion, he would endeavor to show that its adoption was called for by the best interests of the nation.

Leave was then granted, and Mr. VAN BUREN offered the following resolution, which was read, and passed to a second reading:

"*Resolved, &c.,* That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

"Congress shall have power to make roads and canals; but all money appropriated for this purpose, shall be apportioned among the several States according to the last enumeration of their respective numbers, and applied to the making and repairing of roads and canals within the several States, as Congress may direct; but any State may consent to the appropriation by Congress of its quota of such appropriation in the making or repairing of roads and canals, without its own limits; no such road or canal shall, however, be made within any State, without the consent of the Legislature thereof, and all such money shall be so expended under their direction."

The joint resolution reported by a select committee of the Senate, proposing an amendment of the Constitution in regard to the election of President and Vice President, was taken up, and, on motion of Mr. BARBOUR, was postponed, and made the order of the day for Thursday next.

The Senate resumed, as in Committee of the Whole, the bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; and, on motion, the Senate adjourned.

FRIDAY, January 23.

The PRESIDENT communicated a memorial of the General Assembly of the State of Indiana, praying the co-operation of the General Government in effecting a canal communication to unite the River Wabash with Lake Erie. The memorial was read, and referred to the Committee on Roads and Canals.

Mr. KNIGHT presented the petition of Israel R. Potter, of Providence, Rhode Island, praying to be placed on the roll of Revolutionary pensioners. The petition was read, and referred to the Committee on Pensions.

Mr. MILLS presented the memorial of Josiah White, representing the expediency of an additional duty on the importation of linseed oil into the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of James Rowland and others, of Philadelphia; the memorial of Andrew Jack and others, of Lancaster, Pennsylvania; the memorial of Stephen Denton and others, of Morris county, New Jersey; the memorial of David Allen and others, of New Jersey; and the memorial of Charles Hoff and others,—severally praying an additional duty on the importation of foreign iron, and on certain manufactures thereof. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of M. Rowland, and others, of Philadelphia, praying a revision of the tariff, for the purpose of protecting the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of the legal representatives of Firman Le Sieur, was read a third time, and passed.

The bill for the relief of Celestin Moreau, of Louisiana, was read a third time, and passed.

The bill from the House of Representatives authorizing a road to be made from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas, was read the third time, and, upon the question of passing it, Mr. Chandler said that, as he doubted the power of Congress to pass this act, he requested the privilege of recording his name against it. He, therefore, called for the yeas and nays on the question; which were as follows:

Yeas—Messrs. Barbour, Barton, Brown, Clayton, Dickerson, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke, and Williams—29.

Nays—Messrs. Bell, Chandler, D'Wolf, Holmes of Maine, King of New York, Knight, Macon, and Mills—18.

So the bill was passed.

Mr. Smith, from the Committee on Finance, to whom was recommitted the report of the Committee on the memorial of the President, Directors, and Company, of the Merchants' Bank, in Providence, Rhode Island, reported a bill for their relief; which was read, and passed to the second reading.

On motion, by Mr. Barton, the Committee on Public Lands were discharged from the further consideration of the memorial of Isaac A. Smith, and others, of Florida, presented the 22d December.

On motion, by Mr. Barton, that the Committee on Public Lands be discharged from the further consideration of the petition of Charles Morgan, presented on the 18th of December, it was ordered that the motion lie on the table.

Mr. King, of Alabama, from the Committee on Public Lands, to whom was referred, on the 29th December, the memorial of the heirs of Joseph Chastang, and the petition of Nicholas Cook, agent for the heirs of Nicholas Baudin, reported a bill confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land, which was read, and passed to the second reading.

Mr. Jackson, from the Committee on Military Affairs, to whom was referred, on the 13th instant, a report of the Secretary of War, in relation to a military road from Fort St. Philip to the English Turn, made a report, together with a bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans. The report and bill were read, and the bill passed to the second reading, and the report and documents ordered to be printed for the use of the Senate.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, and the further consideration thereof was postponed to Monday next, and the report ordered to be printed for the use of the Senate.

The bill for the relief of Amasa Stetson was read the second time.

The resolution proposing an amendment to the Constitution of the United States in relation to roads and canals, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to alter the times of holding the district court at Mobile, in the District of Alabama," together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the resolution to authorize the Secretary of the Senate to employ an additional engrossing clerk, during the indisposition of Samuel Turner, jun., together with the amendment reported thereto; and the amendment being agreed to, the resolution was reported to the House, and ordered to be engrossed, and read a third time, as amended.

The bill for the relief of Garrett Fountain was taken up, in Committee of the Whole. It provides payment for the rent of a store occupied by the Government, in St. Louis. Mr. Ruggles stated the grounds of the claim. The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Naval Affairs, for the payment of prize money to Lieutenant Francis H. Gregory, and others, the officers and crew of two boats which captured a British gunboat upon Lake Ontario, was taken up in Committee of the Whole. Mr. Lloyd, of Massachusetts, stated the circumstances of the case, and remarked upon the gallantry of the exploit. Messrs. Benton and Lloyd, of Maryland, made some remarks upon the bill. It was then reported to the Senate, and passed to be engrossed, and read the third time.

SLOOPS OF WAR.

The Senate then proceeded to consider, as in Committee of the Whole, the bill authorizing the building of an additional number of sloops of war for the naval service of the United States.

Mr. Parrott said that, upon examination into this subject, he had found that the Government had, at different times, built twelve or thirteen vessels of the description proposed to be built, under this act; that this class of vessels were of the greatest use, both in peace and war; that the experience of the last year furnishes proof enough of their utility. The outrages committed by the pirates in the West Indian seas had shown the necessity of vessels of such a size as were best fitted to protect our commerce. In 1803 Congress had authorized the building of four vessels of sixteen guns, in 1804 two others were built, and in 1813 six additional vessels of the same class—making, in the whole, twelve vessels. By shipwreck, decay, and disaster, a considerable portion of these vessels were lost; and there now only remained three or four of them, and those not of the best kind. By passing this act, Congress would only restore the former number of sloops of war. The great amount of our trade to the West Indies, requiring the protection of the Government, could be protected in no better way than by this class of vessels; and when their general utility and efficiency were considered, Mr. P. hoped the bill would not be opposed. He said if the bill should pass, that probably all the vessels would not be built this year, and that the money would not be called for immediately; probably three years would elapse before the ten vessels, authorized by the bill, would be completed.

Mr. CHANDLER had no objection to this class of vessels; but he thought the Navy, both in respect to the large and the small vessels, was about to be increased beyond what the circumstances of the country require. He believed that if five vessels, of the class proposed in the bill, were built, it would be amply sufficient. He, therefore, moved to strike out the word "ten" from the bill.

Mr. LLOYD, of Massachusetts, read a letter from the Secretary of the Navy to the Committee on Naval Affairs, stating it as his opinion that the economy and convenience of the service required an addition of as many as ten vessels of this class. Mr. L. made some few remarks in support of the bill. He said that the small number of navy yards on our seacoast rendered it probable that not more than five or six of the vessels would be built the present year, if the act passed in its present shape; and, consequently, that not more than $400,000 or $500,000 of the money would be wanted within the year, and that economy in building them would be promoted by this delay, as the timber could be purchased, and time allowed for it to season.

Mr. SMITH thought the Senate ought to have some regard to the finances of the country, while acting upon bills of this kind, and to recollect that this specific appropriation was over and above the annual appropriation of $500,000 for the increase of the Navy; that not only the cost of building these vessels should be taken into view, but also the annual expense of supporting them afterwards; that the great demands upon the Treasury, for the disbursement of the public debt and other purposes, should be considered. He hoped, if the bill should pass, that the building of these vessels would not be confined to those places where the navy yards were established, but that contracts would be made in other ports, in order to give their mechanics a share of the business. He concluded by moving the postponement of the bill till Tuesday next.

Mr. LLOYD, of Massachusetts, did not rise for the purpose of opposing the postponement of the bill, for he was always in favor of giving time for inquiry, but he wished to raise his voice against building any public vessels by contract; he would not vote one dollar to build by contract. The pernicious effects of this mode of building had been sufficiently proved. In Great Britain public vessels built by contract had frequently rotted before they were off the stocks.

Messrs. HOLMES of Maine, LLOYD of Maryland, MACON, and LOWRIE, each made a few remarks upon the subject, and the motion to postpone, to Tuesday next, prevailed.

OFFICERS OF CONGRESS.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred, on the 12th instant, the bill to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the Clerks employed in their offices, and of the Librarian," passed April 18, 1818, together with the amendment proposed thereto, reported the same with an amendment; which was read.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred, on the 15th instant, a resolution directing an inquiry into the expediency of electing, at stated periods, the Secretary of the Senate, the Principal and Engrossing Clerks, the Sergeant-at-Arms, and Doorkeeper, and the Assistant Doorkeeper of the Senate, made a report, together with the following resolutions:

Resolved, That the Secretary of the Senate shall be chosen by the Senate on the second Monday of the first session of the Nineteenth Congress, and on the second Monday of the first session of every Congress thereafter.

Resolved, That the Sergeant-at-Arms and Doorkeeper, and Assistant Doorkeeper of the Senate, shall be chosen by the Senate on the second Monday of the first session of the Nineteenth Congress, and on the second Monday of the first session of every Congress thereafter.

The report and resolutions were read, and on motion the Senate adjourned.

MONDAY, January 26.

Under authority of a resolution, introduced some days ago by Mr. KING, of New York, and subsequently passed by the Senate, the Vice President announced, to-day, from the Chair, that he had adopted the following regulations:

All persons, except members of Congress, and the Secretary of the Senate, and Clerk of the House of Representatives, and their officers and assistants, are excluded from the Secretary's office.

The picture room, adjacent to the office of the Secretary of the Senate, to be closed while the Senate are sitting.

All persons offering fruit and refreshments, are excluded from the passages leading to the Senate, and from the rooms set, or to be set apart for their use.

No persons, except members of the Senate, of the

House of Representatives, and the Heads of the Departments, be allowed a place under the gallery, and with the exception of the members of the House, the Heads of Departments, officers of the Senate, and stenographers, that no person be allowed a place upon the floor of the Senate, unless introduced by a Senator.

The President laid before the Senate a report of the Secretary of War, transmitting a statement of the expenditures of the appropriation, made by the act of 1819, for the civilization of the Indian tribes adjoining the frontiers; and the report was read.

The President laid before the Senate a report of the Secretary of the Department of War, made in pursuance of an act of Congress, passed 20th of April, 1818, exhibiting the names of the clerks employed in that Department during the year 1823, and the amount received by each; and the report was read.

The President laid before the Senate a report of the Secretary for the Department of War, made in conformity to the 5th section of the act of Congress of the 3d March, 1809, showing the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment, for the year 1823; and the report was read.

Mr. Findlay presented the memorial of Benjamin Mears, and others, praying an additional duty on imported iron, and on certain manufactures thereof; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. Noble presented the petition of John Montgomery, praying compensation for a boat impressed into the service of the United States, during the late war. The petition was read, and referred to the Committee on Claims.

Mr. Lanman presented the petition of Thomas Staniford, who was appointed an Assistant Deputy Paymaster General during the late war, stating that, owing to the destruction of his vouchers by fire, in the year 1817, he has been prevented from obtaining a credit for the sums expended in the public service, and praying the passing of an act to authorize the equitable settlement of his accounts. The petition was read, and referred to the Committee of Claims.

Mr. Holmes, of Maine, from the Committee on Finance, to whom was referred the bill better to secure the accountability of public officers, and others, reported it, with amendments; which were read.

Mr. Ruggles, from the Committee of Claims, to whom was referred, on the 17th December, the petition of Joseph Forrest, reported a bill for the relief of Joseph Forrest; which was read, and passed to the second reading.

Mr. Lowrie submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of placing James Morrow, a wounded soldier of the late war, upon the pension list.

The bill, entitled "An act for the relief of Garrett Fountain," was read a third time, and passed.

The bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy, was read a third time, and passed.

The resolution authorizing the temporary employment of an additional engrossing clerk, in the office of the Secretary of the Senate, was read a third time, and passed.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, deceased; and it was laid on the table.

The bill allowing a drawback on the exportation of cordage, manufactured in the United States from foreign hemp, was read the second time.

The bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States, was read the second time.

The bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi to the English Turn, as an auxiliary to the defence of New Orleans, was read the second time.

The bill for the relief of the President, Directors, and Company, of the Merchants' Bank in Newport, Rhode Island, was read the second time.

The bill confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land, was read the second time.

The Senate, as in Committee of the Whole, proceeded to consider the bill, reported by the Committee on Public Lands for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas. Mr. Barton stated the principles of the bill. Messrs. Chandler and Lowrie made some remarks upon it, and it was postponed until to-morrow.

Mr. Johnson, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the present register of the land office at Opelousas, Louisiana, to make to the Secretary of the Treasury a report of all the land claims filed in his office, in pursuance of the provisions of the act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," passed 11th of May, 1820, and to perform such other duties, in relation to the said claims, as should have been performed by the former register of the said land claims.

The bill to alter the time of holding the district court in Mobile, in the State of Alabama, was taken up in Committee of the Whole. Mr. Kelly proposed some amendments in the details of the bill; which were remarked upon by Mr. King of New York, and Mr. Barbour, and agreed to by the Senate. Mr. Kelly then stated the propriety of passing this bill, as being necessary for the judicial convenience of the people of the State of Alabama. The bill was reported to the Senate, and passed to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida; and on motion, by Mr. EATON, it was recommitted to the Committee on Public Lands.

The resolution reported by the Committee on the Contingent Fund, providing for the biennial election of the officers of the Senate, was taken up for consideration. Some remarks were made upon it by Messrs. LANMAN, MILLS, and HOLMES of Maine. A motion by Mr. LANMAN to postpone the subject indefinitely was lost; and the resolution was agreed to.

Mr. SMITH gave notice that he should ask leave to bring in a bill for the gradual supply of cannon, bombs, and howitzers, for the fortifications.

On motion, by Mr. MILLS, the report of the Committee of Claims, on the petition of Amasa Stetson, and the documents relating thereto, were ordered to be printed for the use of the Senate.

THE MARQUIS DE LAFAYETTE.

Mr. HAYNE, of South Carolina, from the select committee to whom was referred the resolution in relation to an intended visit of the Marquis De Lafayette to the United States, reported the following amended resolutions:

The Marquis De Lafayette having expressed his intention to revisit this country:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That, whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship (with suitable accommodation) be employed to bring him to the United States.

The resolution having been read—

Mr. HAYNE said, that the committee, to whom these resolutions were referred, had directed him to report them in a shape which, it is believed, will meet the wishes, and accord with the views, of every gentleman in this House. I may, said he, be permitted, individually, to indulge this hope, not only from the character of the proposition, but also from the unanimity which prevailed in the committee, composed, as it was, with the single exception of him who now addresses you, of statesmen and soldiers of the Revolution; men who have fought and bled, or suffered, in the cause of their country, and whose opinions are entitled to the highest respect.

I have seldom, said Mr. HAYNE, had a more delightful duty to perform, than that of reporting these resolutions in honor of the Marquis De Lafayette—resolutions intended to give expression to the feelings of veneration and attachment which the people of the United States have always cherished for that gallant soldier and devoted patriot. After an absence from this country of nearly half a century, his services are still "freshly remembered," while his virtues are enshrined in every American heart. There are men still left among us, who were his companions in arms, or who, from their high stations in the public service, witnessed his exertions in the field. I behold some of them now around me, occupying seats in this Hall, and honoring, by their presence, the councils of their country; men, whose heads have indeed been bleached by the revolution of many Winters, but whose hearts time has had no power to chill. Their bosoms still swell with patriotic emotions, and the warm current of unbroken affection rushes strongly towards the friends of their youth, and their old companions in arms. Perhaps there exists no stronger tie than that which binds the patriot and soldier to those with whom he has shared common dangers, and achieved common victories. Such men, said Mr. H., will excuse me, the members of this honorable body will indulge me, while I dwell, for a few moments, on the character and services of the gallant Lafayette. We are, it is true, no strangers to his history, yet we may recall some of the incidents of his life with perfect satisfaction, as few men have ever exhibited so much purity in motive, and so much virtue in conduct.

The era of the American Revolution found the Marquis Lafayette a young man, (only nineteen years of age,) in attendance at the Court of his sovereign, the King of France. A nobleman by birth, of a distinguished family, and the heir to a large fortune, he might be said, in the language of Lord Byron, to have been "bred an aristocrat." That the earliest reflections of such a man should have made him aspire to the character of the benefactor of mankind; that his very first step should have placed him by the side of patriots and heroes who were fighting the battles of freedom, establishes beyond all question that he was a man "cast in no common mould." While other noblemen of his age and standing were swelling the pomp and pageantry of power, he resisted the blandishments of the Court; closed his breast against the influence of pleasure; tore himself from his kindred and his native land, to vindicate, in America, the rights of man. It is recorded by the historians of the day, that the American Commissioners at Paris, in consequence of an unfavorable turn in the tide of our affairs, strongly dissuaded the youthful soldier from taking that decisive step, and it is positively asserted, that the French Monarch, so far from encouraging the enterprise, actually issued orders for his arrest. They were unavailing; for what obstacles are insuperable to the noble in soul—the firm in heart—the steadfast in purpose? Lafayette fitted out an expedition at his own private expense, and embarked himself and his fortunes in the cause of freedom. He arrived at Charleston early in 1777, and notwithstanding his extreme youth, was immediately appointed by Congress a Major General in the American Army. From that period to the termination of the contest, he performed, with extraordinary zeal and fidelity, all the duties incident to his exalted station, and proved himself, on all occasions, a high-minded and accomplished gentleman, a gallant soldier, and a consummate Captain. At the battle of Brandywine, he freely shed his blood in our service, and in the campaign of 1781, he was intrusted by WASHINGTON with the command of a separate army for the defence of Virginia. He fulfilled that high duty to the perfect satisfaction of the Commander-in-Chief, and to the admiration of the whole country. It is sufficient praise to say that, on that occasion, he, with a very inferior force, baffled the skill, and frustrated the plans of the "all-accomplished Cornwallis."

All who knew Lafayette during the Revolution, bear united testimony to his uncommon merit. The histories of that day are filled with instances of his gallantry and good conduct. But why multiply proofs? His best eulogy was embraced in a single sentence: WASHINGTON *was his friend!* Witness the letter written by his own hand while President of the United States, to the Emperor of Germany, (soliciting the release of the Marquis from the prison into which he had been thrown,) breathing in every line a brotherly affection; and in which he declares, "that his friendship for the Marquis Lafayette has been constant and sincere." WASHINGTON never forgot—he never ceased to love him; and his last will affords evidence that he cherished for him feelings which not even the prospect of death could extinguish. Lafayette did not leave our shores until he had seen us a free and independent nation: and from that moment to the present, he has claimed, as the proudest of his titles, that of an American citizen.

I will pass over the troubles in which he has been constantly involved since his return to France, with the single remark, that it will be recorded by the candid historian of this eventful age, that, amidst scenes of blood, in which unhappy France has been steeped, the hands of Lafayette were unstained; and though surrounded by temptations, before which the best hearts and best minds of Europe have fallen, he has "held fast his integrity to the end." The United States have at no period been unmindful of the debt which they owe to the Marquis Lafayette. They have recorded their gratitude, not merely by repeated votes of thanks, but by more substantial deeds; nor should it ever be forgotten, that it was an American citizen who opened the doors of his dungeon at Olmutz.

Let it not be supposed that these resolutions are superfluous, or that they add nothing to the expressions of the national gratitude. The moral effect of measures of this character is very great. They act on public opinion, (that lever by which the modern world is moved;) they purify public feeling and ennoble public sentiment, teaching the rising generation the great lessons of patriotism and of duty. Republics have been charged with ingratitude, and Europeans, ignorant of the whole structure of our Government and the course of our policy, have supposed that the charge is justified by our own example. But, when it shall, at some future period, come to be known abroad how the United States have, on all occasions, acted towards the Marquis Lafayette; when it shall be understood that, in addition to the other proofs of our gratitude, (which I am not disposed here to enumerate,) we approached him in his old age with the expressions of our affectionate attachment; it may perhaps be acknowledged that there can be no better inheritance than the gratitude of a free people.

There is another view of this subject, said Mr. H., entitled to some weight. It is the moral effect of the proposed measure on our own country. No one acquainted with the American character, can doubt that the Marquis Lafayette will meet with such a reception here as is due to the friend of WASHINGTON. He will be met by the few survivors of the Revolution, (his former companions in arms,) with the warmth of an old and tried affection; he will find in the hands of some of them the treasured memorials of his ancient friendship; he will be greeted with enthusiasm by millions of freemen. How enviable will be the feelings of that venerable man, when, in traversing this great Republic, he shall behold every where the triumph of order, peace, political and religious liberty, unexampled prosperity, and unequalled happiness? and when he shall feel, and know, and hear it every where acknowledged, that these blessings are in part the fruit of his efforts!

The Marquis Lafayette has signified his wish to visit our country. He must not be suffered to approach it as an undistinguished stranger. He must come protected by the flag under which he has so often fought, and so often conquered.

These resolutions are worthy of the National Legislature; they will find a response in every American bosom. I hope, I trust, they will pass the Senate as they have done the House of Representatives, by a unanimous vote.

The happiest moment in the life of the Marquis Lafayette was probably that when, finding that France had acknowledged the independence of the United States, he rushed into the presence of WASHINGTON, and throwing himself on the bosom of his friend, burst into a flood of patriotic tears. But, should we pass this resolution, he is destined to experience still more exalted happiness, when he shall be assured, by the unanimous vote of the American Congress, "of the grateful and affectionate attachment still cherished for him by the Government and people of the United States," and when he shall be hailed by ten millions of freemen as their benefactor.

Mr. CHANDLER expressed his assent to the resolution as reported by the select committee. It was unanimously passed to be engrossed, and read the third time; and, subsequently, had its third reading, by general consent, and passed.

TUESDAY, January 27.

The PRESIDENT laid before the Senate a report of the Secretary for the Department of State, prepared in pursuance of a resolution of the Senate of the first of March last, exhibiting the factories, in each State, employed in manufacturing for sale such articles as would be liable to duties if imported from foreign countries. The report was read, and ordered to be printed for the use of the Senate.

Mr. **FINDLAY** presented the memorial of James Kilton, and others, the memorial of Matthew Davis, and others; the memorial of Cyrus Jacobs, and others; the memorial of Aaron Erwin, and others; also, the memorial of John Dowlen, and others; severally praying additional duties on imported iron, and on certain manufactures thereof. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. **VAN BUREN** presented the petition of Conrad Ten Eyck, of Detroit, in the Territory of Michigan, praying indemnification for a quantity of merchandise, of which he was plundered by the Chippewa Indians, during the late war; and for which it was their intention to provide, by a supplemental article of a treaty, concluded between the said Indians and the Commissioner acting on behalf of the United States. The petition was read, and referred to the Committee of Claims.

Mr. **DICKERSON** presented the petition of Elizabeth McFarland, praying relief, in consideration of the wounds received by her husband at the battle of Chippewa, and of which he has since died.

Mr. **RUGGLES**, from the Committee of Claims, to whom was referred, on the 26th December, the memorial of Walter S. Chandler, reported a bill for the relief of Walter S. Chandler; which was read, and passed to the second reading.

Mr. **KING**, of Alabama, from the Committee on Public Lands, to whom was referred, on the fifth January, the petition of Peter H. Hobart and Lewis Judson, reported a bill confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land; which was read, and passed to the second reading.

Mr. **KING**, of Alabama, from the Committee on Public Lands, to whom was referred, on the 5th instant, the petition of Charles Parent, reported a bill confirming the claim of the heirs and legal representatives of Charles Parent to two tracts of land; which was read, and passed to the second reading.

On motion, by Mr. **VAN BUREN**, the Committee on the Judiciary were discharged from the further consideration of the petition of James Hunter and John P. Williamson, presented and referred on the 30th December.

Mr. **SMITH** asked and obtained leave to bring in a bill for the gradual supply of cannon, bombs, and howitz, for the fortifications; which was read, and passed to the second reading.

The Senate proceeded to consider the motion of the 26th instant, to instruct the Committee on Pensions to inquire into the expediency of placing James Morrow upon the pension list; and agreed thereto.

The bill for the relief of Joseph Forrest was read the second time.

Agreeably to the order of the day, the Senate es umed, as in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt; and, on motion by Mr. **MILLS**, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The bill to alter the time of holding the district court in Mobile, in the State of Alabama, was read the third time, and passed.

The bill for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, under French and Spanish titles, was taken up in Committee of the Whole. After some debate, in which Messrs. **BARTON**, **CHANDLER**, **KING**, of New York, **LOWRIE**, and **BENTON**, took part, the bill was reported to the Senate, and passed to be engrossed, and read the third time.

LAND CLAIMS IN LOUISIANA.

The following resolution, proposed yesterday by Mr. **JOHNSON**, of Louisiana, was taken up for consideration:

"*Resolved*, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the present register of the land office at Opelousas, Louisiana, to make, to the Secretary of the Treasury, a report of all the land claims filed in his office, in pursuance of the provisions of an act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," passed 11th May, 1820; and to perform such other duties in relation to said claims, as should have been performed by the former register of the said land office."

Mr. **JOHNSON**, in support of his resolution, remarked, that, by the act of 1820, the registers of the land offices at New Orleans, Opelousas, and Ouachita, in the State of Louisiana, were required to receive notices, in writing, of all land claims in their respective districts, which had not previously been filed and acted on, with such evidence as might be offered, with respect to them; and to make, to the Secretary of the Treasury, on the first day of January thereafter, a report of all the claims filed in pursuance of the provisions of the said act. He said, that the registers at New Orleans, and at Ouachita, faithfully performed the duties required of them by the law alluded to, and that their reports were acted upon by Congress at the last session. But he regretted that he was constrained to say, that the former register at Opelousas had grossly violated his duty, and that the people of the district had, in consequence, been subjected to great inconvenience. No report had yet been received from him; and as he was, some time since, appointed to another office, it is believed, by the Secretary of the Treasury, that the register now in office is not authorized to make the report contemplated by the act alluded to. The object of his resolution, therefore, he said, is, to obtain an act giving the necessary authority to the present register.

The resolution was then agreed to.

SLOOPS OF WAR.

The Senate proceeded, as in Committee of the Whole, to consider the bill authorizing an additional number of sloops of war, for the naval service of the United States. On motion of Mr. LLOYD, of Massachusetts, the bill was amended, by inserting the words, "as soon as suitable materials can be procured," and, also, by striking out the clause respecting the sum to be appropriated.

Mr. LLOYD, of Massachusetts, rose in support of the bill. He went generally into a consideration of the merits of the bill, and gave, at length, an illustration of the usefulness and gallantry of the Navy of the United States, and of the expediency of increasing the Naval Establishment, by the addition of the ten sloops of war proposed in the bill, whether considered in reference to a due apportionment, or classification, of the naval force of the United States; as a school for the preparation of officers for higher and more important commands; and as a measure of economy, to prevent the employment of the larger vessels for the protection of our commerce, on our own coasts, in the Mediterranean, and in the Pacific; and concluded by expressing his hope, that as many of the sloops of war should be authorized to be built forthwith, as suitable materials can be provided for; and that preparation be made for building the remainder, not exceeding ten, the year ensuing.

Mr. CHANDLER was still opposed to this bill—he had no objection to an augmentation of the naval force, so far as it was necessary—but he thought it better not to build vessels faster than the service required; and that five vessels would be as many as were, at this time, necessary.

Mr. SMITH had no objection to providing that the materials for building the vessels in question, should be prepared—for he thought it highly necessary that the timber should be seasoned—and he presumed the attention of the Navy Department would be confined to the purchase of the timber only, at present. He thought it was not necessary, at this time, to go into a consideration of the services rendered by the Navy. Those who were once opposed to the Navy, had now become its friends. At one time, there had been a general antipathy towards a Navy; particularly among the persons then composing one of the great parties in the country; he, himself, had always been in favor of it. A short time before the war, the subject was brought before Congress: and a very able investigation was made. He had no doubt, at that time, but the general voice of the nation was in favor of a navy; but still an antipathy was, in some parts of the country, entertained against it. But nearly all had now become friendly to it. The late war had obviously shown the necessity of a Navy. By that war, it had been fully confirmed that, when we met on equal terms, we were fully competent to cope with any enemy, on the ocean. The battles on Lake Erie and Champlain had fully refuted all theories against a naval force. The principal part of our glory in that war, was gained upon the water. He believed the description of vessels referred to in this act was very useful—that they furnish employment for our young officers, which he considered a very important circumstance. Our seamen are always ready for service—but not so with the officers—they require practice, and knowledge of seamanship, and to be accustomed to command—these qualifications are only to be obtained in service. In this way they are prepared for maintaining the glory which the country has already obtained.

But still it is possible we may go too far in the business of increasing the Navy. It is always an indispensable duty to keep an eye on the finances of the country. Congress should not go to such expenditures on account of the Navy, as to make that unpopular, which was now popular. This consideration had induced him to make the remarks on this subject, which he made to the Senate the other day. And he felt glad that the gentleman from Massachusetts had seen fit to amend the bill, so as to take the sense of the Senate upon his view. Mr. S. said, he did not precisely agree with the honorable member, in regard to the situation of the financial concerns of the country. The probable balances in the Treasury could not always be considered as being at the disposal of Congress. When certain sums are appropriated for expenditures, they may be spent within the year; and, therefore, future balances cannot be safely calculated upon. It was stated that there would not be more than nine millions in the Treasury on the 1st January, 1825. If the law for purchasing seven per cent. stock should be taken advantage of by the holders of the stock, these purchases would require a part of that amount. The Commissioners of the Sinking Fund will have a right to demand nine millions from the Treasury. To meet all the demands, at least fifteen millions will be necessary, on the 1st January, 1825; and, to raise this sum, a loan may be necessary. If the present appropriation were reduced to one-half the amount at first proposed, he thought it probable not more than half this reduced sum would be required, during the present year; and, thus modified, he should be willing to vote for the bill.

Mr. LOWRIE said, he had not yet obtained the information to which he had alluded, when this subject was before the Senate some days since, and was not quite satisfied to vote for the bill. He wished to know what disposition was to be made of these vessels, if built. He believed those which we had already, of the same class, had been, for a considerable part of the time since the war, out of employ; and, if this were the case, it certainly could not be necessary to increase the number. If the vessels were absolutely requisite, for the good of the service, he would be willing to vote for building them; even if it was necessary to borrow money for the purpose. He thought, however, that bills of this nature, making large appropriations, ought to originate in the other House.

Mr. PARROTT made a few remarks in favor of the bill, and in confirmation of his observations, when the bill was before under consideration.

On motion of Mr. HAYNE, the bill was postponed to Friday next, and made the order of the day.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Isaac Kelly; and, on motion, the Senate adjourned.

WEDNESDAY, January 28.

When the Senate came to order, the VICE PRESIDENT stated that a melancholy event which had occurred since the session yesterday, (the death of a relative of his family,) would prevent his attendance this day—and Mr. GAILLARD was called to the Chair.

Mr. NOBLE presented the petition of George Sutton, and others, foreigners, stating their intention to become citizens of the United States, and praying, for certain reasons, that their naturalization may be accelerated.—Referred to the Committee on the Judiciary.

The PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, of the 19th instant, transmitting a communication from the Commissioner of the General Land Office, in relation to the progress made in completing the maps required by a former resolution of the Senate.

Mr. PARROTT presented the memorial of the President and Directors of the Alexandria Turnpike Company, praying authority to collect toll from foot passengers. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. FINDLAY presented the memorial of Joshua Garsed, of Frankford, Pennsylvania, praying additional duties on the importation of certain articles, of which flax is the material of chief value.—The memorial was read, and referred to the Committee on Commerce and Manufactures.

The bill for the gradual supply of cannon, bombs, and howitz, for the fortifications, was read the second time, and referred to the Committee on Military Affairs.

The bill for the relief of Walter S. Chandler was read the second time.

The bill confirming the claim of the heirs and legal representatives of Charles Parent to two tracts of land was read the second time.

The bill confirming the claim of Peter S. Hobart and Lewis Judson, to a certain tract of land, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian," passed 18th April, 1818, together with the amendment reported thereto; and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and the further consideration thereof was postponed until to morrow.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, in relation to roads and canals; and it was ordered to lie on the table.

The Senate then proceeded, as in Committee of the Whole, to consider the bill the better to secure the accountability of public officers. Mr. HOLMES, of Maine, stated the object of the bill in detail; and, on motion of Mr. PARROTT, it was postponed, and made the order of the day for Monday next.

The bill for the relief of Hanson Kelly was taken up, as in Committee of the Whole, reported to the Senate without amendment, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of the legal representatives of John Michael, deceased;" in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie, and jewels, and to prohibit the receipt of merchandise, in the public vessels of the United States; and the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

The bill for the relief of the Merchants' Bank of Newport, Rhode Island; the bill to confirm the title of Nicholas Baudin and Joseph Chastang to a certain tract of land; and the bill for the relief of Samuel Wharton, were severally taken up in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Joseph Forrest; and it was ordered to lie on the table.

The bill from the House of Representatives, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read, and passed to a second reading.

The bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain, had its third reading. On the question of passing the bill, Mr. LOWRIE called for the yeas and nays, which were as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, D'Wolf, Elliott, Gaillard, Holmes of Mississippi, Jackson, Johnson of Louisiana, Knight, Lloyd of Massachusetts, Macon, Noble, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke—21.

NAYS—Messrs. Bell, Chandler, Clayton, Dickerson, Edwards of Connecticut, Findlay, Hayne, Holmes of Maine, King of New York, Lanman, Lowrie, Mills, Palmer, and Van Buren—14.

So the bill was passed.

MILITARY ROAD.

The bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans, was taken up for consideration. A considerable debate took place, in which Messrs. CHANDLER, JACKSON, JOHNSON, of Louisiana,

King, of New York, **Holmes**, of Maine, **Smith**, **Mills**, **Macon**, **Benton**, and **Brown**, engaged. The bill was supported on the ground that the road contemplated is absolutely necessary to render Fort St. Philip useful as a means of defence; that fortification being at present accessible only by water, which mode of communication is found extremely inconvenient for the transportation of cannon and other munitions of war, and renders the garrison peculiarly defenceless in time of war. It was also contended that this bill, proposing the construction of a road for purposes purely and solely military, does not come within the purview of the great question of Constitutional power, on the part of Congress, to construct roads and canals. On the other hand, it was argued that, if the road were indeed for military purposes exclusively, it should be constructed by the troops of the United States, or from the proceeds of the public lands contiguous to it, without calling for appropriations from the Treasury. The bill was objected to as immediately involving the question upon the power of Congress to make roads; as, in its course, it was contemplated to pass, for a considerable distance, through lands belonging to individual citizens of the State of Louisiana; and it was thought best by some members that the consideration of it should be postponed until the question of Constitutional power should, in some shape, be decided. The bill was finally laid upon the table.

Thursday, January 29.

The **President** communicated a letter from the Governor of the Territory of Florida, transmitting a copy of the laws passed at the last session of the Legislative Council of that Territory; which was read.

The bill for the relief of Hanson Kelly; the bill for the relief of the President, Directors, and Company of the Merchants' Bank of Newport, Rhode Island; the bill confirming the claim of the heirs of Nicholas Baudin and Joseph Chastang to a certain tract of land; and the bill for the relief of Samuel Wharton, were severally read the third time, and passed.

Mr. **Brown**, from the select committee on Roads and Canals, to whom was referred the bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," reported it without amendment.

The bill from the House of Representatives, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the second time, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, entitled "An act for the relief of Samuel Wharton," was read the third time, and passed.

Mr. **King**, of New York, presented the petition of Samuel Ward, praying the passage of a law authorizing the renewal of a final settlement certificate, alleged to have been lost. The petition was read, and referred to the Committee of Claims.

Mr. **Findlay** presented the petition of Samuel White, of Pennsylvania, praying indemnification for losses sustained and expenses incurred, whilst performing military duty in the late war with Great Britain, as a Captain in the fifth regiment of Pennsylvania militia; the petition was read, and referred to the Committee of Claims.

On motion by Mr. **King**, the bill for the relief of Walter S. Chandler was recommitted to the Committee of Claims, further to consider and report thereon.

Mr. **Dickerson**, from the Committee on the Library, to whom was referred the resolution proposing the purchase of five copies of Lucas's Universal Atlas, reported a resolution, authorizing the purchase of one copy of that work.

On motion by Mr. **King**, of New York, the report of the Secretary of the Treasury, received yesterday, respecting the progress made in completing certain maps, required by a resolution of the Senate, was referred to the Committee on Public Lands.

Mr. **Chandler** presented the petition of Moses Wing, of Maine, praying an increase of pension; the petition was read, and referred to the Committee on Pensions.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States, together with the amendment reported thereto by the select committee, Mr. **Lanman** in the Chair; and, on motion, the consideration thereof was further postponed to, and made the order of the day for, to-morrow.

AMENDMENTS TO THE CONSTITUTION.

The resolution reported by the select committee on the several amendments to the Constitution, which provide that no person shall be eligible to the Presidency for more than eight years, was taken up for consideration, in Committee of the Whole, Mr. **Lanman** in the Chair.

Mr. **Dickerson** observed that the amendment now proposed, he had the honor to offer to the Senate, near the close of the last session, in connexion with another proposed amendment, as it respected the choice of Electors of President and Vice President of the United States. It has been deemed more correct to separate these propositions, that each may be discussed on its own merits. At the last session, the amendment now under consideration underwent some discussion, and appeared to meet with no opposition from any quarter, although, for want of time, no decision was had upon it. And the committee of seven, to which it was lately submitted, were unanimously in favor of its adoption. It must appear strange that the principle of this amendment was not adopted in the original Constitution. That it was not, is owing to circumstances which it would be difficult, and perhaps not very important, to explain. In the Federal Convention, there was probably no question of more intrinsic difficulty, than that of giving to the Chief Executive that exact degree of power which the interest and safety of the country might require, without infringing upon the rigid principles of Republican Government. On this subject, the opinions of gentlemen were at opposite points. Some were for an Executive during good behavior, or for life, with extensive powers, that would have made our Government an elective monarchy. Others were for restricting his powers, according to the maxims of Roman jealousy. The course adopted was an intermediate one.

No adequate limitation being fixed as to the time or extent of the authority of the Supreme Executive, the natural tendency of our system is to increase and perpetuate power in that branch of our Government. That this result has not been practically felt, is not to be attributed to our Constitution, but to the virtues of the illustrious statesmen who have presided over the councils of this nation.

We should always be fearful of introducing new principles into our Constitution; but there is nothing new in the amendment now proposed. It is as old at least as the Constitution itself. Mr. Randolph, of Virginia, in the Convention, proposed that no person should be elected President of the United States a second time. The term of service then in contemplation was seven years. This proposition was adopted—eight States voting for it, one against it, and one divided. The proposition of Mr. Paterson, of New Jersey, contained a similar provision.

On the 6th of August, 1787, a Committee of the Convention reported a draught of a Constitution, containing this provision. This draught was recommitted, and in a month afterwards, reported as an amended draught; but this important provision, for some mysterious cause, had disappeared—and is no more to be found in the journals of the Convention.

A proposition had been submitted by a delegate from New York, that must have created a great sensation in the Convention. It was, that the Senate and Chief Executive should be elected to serve during good behavior, that is, for life. The Chief Executive to be vested with extensive powers—so as to make him an elective monarch. It is to be presumed that this plan met with but little countenance in the Convention, but the delegate from New York would not have made his proposition, without an assurance of some support.* It probably served to defeat the views of those who were anxious to limit the term of service of the Chief Executive. The plan adopted avoided both extremes—leaving one party to hope that, by some future amendment, the principle they advocated might be adopted. The other to hope that our system of Government, from its natural tendency, would in time become in substance, if not in form, an elective monarchy.

On the ratification of the Constitution by the States, several of them proposed amendments. Virginia proposed that no person should be capable of serving as President of the United States more than eight years in sixteen. North Carolina proposed the same. New York proposed that no person should be eligible a third time as President of the United States; which is precisely what is now proposed.

The illustrious example of Washington, Jefferson, and Madison, of retiring to the walks of private life, after filling, for eight years, the most important office within the gift of the people, has acquired, in some degree, the force of law; and this is strengthened by all the weight of public opinion. But neither illustrious example, nor public opinion, can restrain ambition, when combined with power. They are not law, but may point out most distinctly what the law should be. And they do, in the most impressive manner, admonish us, while the danger is yet remote, to adopt the proposed amendment, as a permanent part of our Constitution.

In many of the States, their Executive can serve but for limited periods. And this regulation has been found sound in principle and safe in practice. The State Executives, thus limited, possess but little power; yet the President of the United States, with his immense patronage, is not restrained by this salutary limitation. In some parts of our Constitution, we may see traces of the jealous maxims of the ancient Republics; but in the election and power of our Chief Magistrate, where the application of such maxims was most wanted, we perceive nothing of the kind.

A candidate for the Presidency must be a native citizen, or a citizen at the adoption of the Constitution; must be thirty-five years old, and a resident within the United States fourteen years previously to the election. No further conditions are required.

A General, at the head of our armies, may be a candidate for the Presidency, and no doubt will be so, at some future period, when our army, from its numbers, shall be dangerous to our liberties.

In Rome, during the time of the Republic, two consuls were elected, each a check upon the other. They were chosen for a single year. No one could be elected before the age of forty-two. But a law, to which Rome was indebted for ages for her liberty, was this, that no one could sue for the consulship unless personally present, and in a private capacity.

Pompey suffered a law to pass, by which Julius Cæsar was permitted to sue for the consulship while absent, and at the head of a victorious and powerful army, and Cicero lent the aid of his eloquence in favor of this measure. Pompey soon discovered his error, and endeavored to counteract the effects of his rashness, but it was too late. He

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*On the 17th July, 1787, on a motion to strike out the words seven years, (the term of service proposed for the Chief Executive,) and insert during good behavior, it was decided in the negative: New Jersey, Pennsylvania, Delaware, and Virginia, voting in favor of it; and Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, and Georgia against it.—*Journals of Convention, page* 185.

was overwhelmed, and the liberties of Rome forever lost.

This period of the Roman history furnishes us with the most instructive lessons, and none more so than the profound dissimulation of Octavius Cæsar, in his insidious and successful march to monarchy. When he had subdued all his enemies, and had under his command an army that could instantly crush any resistance to his power, he professed a willingness to relinquish his authority, and restore the ancient Republic; and the honest Agrippa, to whom he was more indebted for success than to any other man, advised him to do so. But he listened with more complacency to the advice of his friend Macænas, who persuaded him that he ought to consult the advantage of the country, rather than his own repose, and that he could not lay down his power with safety to the country or to himself.

In the Senate he absolutely offered to resign his authority, modestly alleging that to govern such an Empire was a task to which the Gods alone were equal. The Senate, as he knew they would do, besought him not to relinquish the administration. He yielded to their solicitation, and consented to be considered as Prince of the Senate for ten years, and to administer the affairs of the Government with them for that period, by which time, it was presumed, peace and prosperity would be restored to the commonwealth; and this ridiculous farce of relinquishing his power was acted over and over, at the expiration of every ten years, during his long reign, and he was persuaded to retain his authority by Senators who held their lives and fortunes at his will and pleasure. Even the detested and gloomy tyrant Tiberius made a show of resigning his power, but the Senate entreated him, in the most humble manner, to accept the administration of the Government, and not reject a task to which he alone was equal. Tiberius, overcome by the importunities of all around him, yielded to their entreaties, and condescended to take upon him the labor of the Government, purely to satisfy their wishes, and not his own; adding, that he would keep it only till they should think fit to give repose to his old age. He was then fifty-six years old. He soon found an infamous repose for his old age in the island of Capræ; but he never resigned his power but with his breath. Modern history would furnish us with lessons equally impressive, were it necessary to cite them.

Although there seems to be no opposition to this resolution, yet, by some, it may be thought unnecessary; that the principle it contains is so firmly established as not to need the aid of a Constitutional provision. The illustrious example of WASHINGTON, JEFFERSON, and MADISON, has acquired the moral but not the absolute force of law—a force that will yield to the first pressure of ambition and power. Our Presidents have retired from power after holding their important offices for eight years. Their characters afford the most positive assurance that, in this, they were governed by patriotic motives—motives which would have produced the same determinations at much earlier periods of their lives, under similar circumstances. It is, however, a fact, that no one of them has retired before the age of sixty-four or sixty-five. Ambition, it is to be hoped, begins to subside at this period, and the approach of the infirmities of old age admonish us to retire from the bustle and care of public life. But suppose a young, ardent, ambitious man to be elected President, at the age of thirty-six—his eight years would expire at the age of forty-four—precisely at that period of life when he could be most useful to his country and to his friends—would he willingly follow the example of our illustrious Chief Magistrates? If he did, it would probably be by retiring, not at the expiration of eight years' service, but on his reaching the age of sixty-four or sixty-five years. He would be easily persuaded by his friends that the good of his country absolutely required that he should remain in office; and if he possessed talents to make the most of his patronage and power, he would secure his re-election as often as he should think proper. And this rule, once broken, although consecrated by the example of WASHINGTON, JEFFERSON, and MADISON, would never after have the least effect.

Mr. HOLMES, of Maine, thought there could be no danger in adopting an amendment like this, which goes to restrain power, whatever objection might be urged against increasing the authority of Government. At this time it was peculiarly proper to consider such a subject, when there is no danger from the want of this restraint. When we have a President, popular, young, ambitious, and with all the influence attached to his office, he might offer imaginary dangers, as an excuse for attempt at re-election. The restriction he considered a salutary one.

Mr. BARBOUR did not rise to oppose the amendment, for he thought favorably of it, but he rose to express the views which he believed were entertained by those who proposed the amendment. It would be perceived that the resolution, at present, proposed that no person, after having been twice elected President, shall be again eligible. Mr. B. made some remarks upon this restriction, and concluded by moving to amend the amendment, so as to provide that no person should be elected for more than two terms successively. This provision, he thought, would sufficiently do away the apprehension of any danger from continuity in office.

Mr. DICKERSON opposed the amendment of Mr. BARBOUR. He thought that no individual ought to be elected to the highest office of the Government, in any case, for more than two terms.

Mr. BARBOUR replied. He contended that, after one election, and a subsequent return to private life, the individual ought not to be disfranchised, and deprived of the right to be elected. He instanced the examples of the distinguished individuals, at present living, who have filled the office; living, too, as far as he could ascertain, from his intimate knowledge, of all but one of those individuals, and from having read the public writings of the other, with their mental powers unimpaired by the ravages of time. Such men, he thought, ought not to be proscribed from a reelection.

Some further debate took place between Messrs. **DICKERSON**, **BARBOUR**, and **HOLMES**, of Maine.

Mr. **MACON** said, the example of the illustrious men who had filled the office of President, clearly showed their opinions on this subject; that several of them had been solicited to take the office again, but had declined it; that all men who rendered great services to their country, would inevitably meet with the love and gratitude of the people; that there was a time in the life of men advanced in years, when they begin to fear a failure in their faculties, but, when that time has passed, they lose all doubt of their capacity and competency. For this reason there ought to be restraints in the Constitution, as to the time for which persons shall be eligible to the office of President. Mr. M. was in favor of the resolution as reported by the committee, in preference to the amendment proposed by the gentleman from Virginia.

The question was then taken on Mr. **BARBOUR**'s amendment, which was lost.

The original resolution was then reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

FRIDAY, January 30.

Mr. **RUGGLES**, from the Committee on Claims, reported unfavorably on the petition of William W. Wilson. The report was read, and ordered to be printed.

Mr. **TAYLOR**, of Indiana, from the Committee on Military Affairs, reported the bill for the relief of James Johnson, without amendment. The report, accompanying the bill, was ordered to be printed.

Mr. **LOWRIE** presented the memorial of David Potts, and others, praying that additional duties be imposed on imported iron and steel, and on all manufactures thereof; he also presented the memorial of James Lambert and others, of Roger Foster and others, of John Saunderland and others, of William King and others, of John Gaunt and others, and of James McEwen and others, all of the city and county of Philadelphia, severally praying that the tariff may be so modified as to afford that protection to manufactures which is afforded to commerce. The memorials were severally read, and referred to the Committee on Commerce and Manufactures.

Mr. **EATON**, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported it without amendment; which was ordered to be printed for the use of the Senate.

Mr. E., from the same committee, to whom was referred, on the 29th of December last, the petition of John Forbes and Company, reported a bill, releasing a certain tract of land to the heirs and legal representatives of John Forbes; and the bill was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt; and, on motion by Mr. **JOHNSON**, of Kentucky, the consideration thereof was further postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the bill to authorize the building of an additional number of sloops of war for the naval service of the United States; and, on motion by Mr. **HAYNE**, the consideration thereof was further postponed to, and made the order of the day for, Tuesday next.

AMENDMENT TO THE CONSTITUTION.

The resolution proposing an amendment to the Constitution of the United States, so as to provide "that no person, having been twice elected to the office of President, shall again be eligible to that office," was read the third time, and the question on passing the same was decided by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, Van Dyke, Ware, and Williams—36.

NAYS—Messrs. Edwards of Connecticut, Knight, and Seymour—3.

So it was resolved, two-thirds of the Senators present concurring, that this resolution pass, and that the title thereof be, a "Resolution proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States."

The resolution reported by a select committee of the Senate, proposing an amendment of the Constitution of the United States in relation to the election of President and Vice President, and of Representatives in Congress, was taken up for consideration, as in Committee of the Whole.

The question was declared to be upon a resolution proposed by Mr. **BENTON**, as an amendment to that reported by the select committee. Mr. B.'s amendment proposes to divide the country into districts, each district having a vote for President and Vice President, that vote to be decided by the ballots of the people, in primary assemblies, without any intermediate Electors; and in case of no choice by the people, then to be decided by the House of Representatives, as at present.

Mr. B. went into an able argument in consideration of the various other modes of election, and in support of that contained in his resolution. Before Mr. B. had concluded, the Senate, on motion of Mr. **MILLS**, (made in consequence of the apparent fatigue of the Speaker,) adjourned to Monday next.

MONDAY, February 2.

Agreeably to notice given, Mr. **HOLMES**, of Maine, asked and obtained leave to bring in a bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; and the bill was read, and passed to a second reading.

The **President** communicated a letter from the Navy Department, transmitting copies of the Navy Register, for the use of the Senate; which was read.

Mr. **Lloyd**, of Massachusetts, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs, of the Senate, be instructed to inquire into the present state and circumstances of the Navy Hospital Fund; and whether any, and, if any, what, further provision is necessary to carry into effect the wise and humane objects of the Government, in relation to the said fund; with leave to report thereon by bill or otherwise.

Mr. **Edwards**, of Connecticut, presented the memorial of George Hallam, and others, merchants, and underwriters, of New London, in Connecticut, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. **Macon** presented the memorial of Henry Harvey, and others, of Newbern, and of John Macarylan, of Wilmington, North Carolina, severally praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. **Smith** presented the memorial of Harrison and Sterret, and others, auctioneers, of the city of Baltimore, praying that no duty may be imposed on sales by auction of British or other foreign manufactures; which was read. He also presented the memorial of William Lorman, and others, manufacturers and mechanics, of the city of Baltimore, praying an increase of duty on certain imported fabrics, and a duty of ten per cent. on foreign fabrics, when sold at auction; which was read.—The memorials were referred to the Committee on Commerce and Manufactures.

Mr. S. presented the petition of Julius Willerd and Thomas Childs, representing that they have invented a gun, called "Infantillery," of great efficiency in an army as an instrument of offence or defence; and praying Congress to authorize the purchase of their patent for the use of the Government; which was read, and referred to the Committee on Military Affairs.

Mr. **Mills** presented the memorial of William Davis, and others, of Plymouth, and of William Bartlett, and others, of Newburyport, Massachusetts, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. **Findlay** presented the memorial of Nehemiah Sleeper, and others, umbrella manufacturers, of Philadelphia, praying a drawback of duties on the exportation of umbrellas; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. **Lowrie** presented the memorial of John Greemer, and others, of the city and county of Philadelphia, praying that a duty of ten per cent. may be imposed on sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. **Chandler**, from the Committee on Military Affairs, to whom was referred, on the 20th ultimo, the petition of John Pritchard, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. **Barton**, from the Committee on Public Lands, reported a bill to regulate the surveying of the public and private lands in the southern part of Alabama; which was read, and passed to a second reading.

Mr. **Barton**, from the same committee, to whom was referred, on the 26th December last, the petition of Andrew Henshaw, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

The report and resolution were read, and ordered to be printed for the use of the Senate.

Mr. **Barton**, from the same committee, to whom was referred the petition of Thomas F. Riddick, reported a bill for the relief of Thomas F. Riddick, of the State of Missouri; and the bill was read, and passed to a second reading.

Mr. **Barton**, from the same committee, to whom the subject was referred, by resolution of the Senate of 12th December last, reported a bill supplementary to "An act to perfect certain locations in Missouri," passed April 26, 1822; and the bill was read, and passed to a second reading.

The Senate proceeded to consider the report of the Committee of Claims on the petition of William Wilson; and it was postponed until tomorrow.

The bill releasing a certain tract of land to the heirs and legal representatives of John Forbes, was read the second time.

PRIVATEER PENSION FUND.

Mr. **Lloyd**, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred on the 15th ultimo, by a resolution of the Senate, made a report, accompanied by a bill extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty on board the private armed ships of the United States, during the late war; and the report and bill were read, and the bill passed to a second reading. The report was ordered to be printed for the use of the Senate. It is as follows:

That, by a law of the United States, passed June 26, 1812, entitled "An act concerning letters of marque, prizes, and prize goods," it was enacted that two per centum on the net amount, after deducting all charges and expenditures of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes, recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector, if such captured or recaptured vessel may arrive in the United States, or to the consul or public agent of the United States, residing at the port or place not within the United States, at which such captured or recaptured vessels may arrive; and the money arising therefrom shall be held, and is hereby pledged, by the Government of the United States as a fund for the support and maintenance of such persons as may be wounded or disabled on board the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as may, thereafter, be by law provided; that, by a law of the United States, passed February 13, 1813, entitled "An act regulating pensions to persons on board of private armed ships," the Secretary of the Navy was required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board any private armed ship or vessel, bearing a commission of letter of marque, shall have been wounded, or otherwise disabled in any engagement with the enemy, and to allow certain rates of pensions, therein prescribed, payable from the said fund, and from no other; which said last mentioned act was explained by an act passed August 2, 1813, entitled "An act to amend and explain the act regulating pensions to persons on board private armed vessels;" and that, by another act, passed March 3, 1814, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," pensions were authorized to be granted, for the term of five years, to the widows, and, in certain cases, the children, of those who shall die, or shall have died since June 18, 1812, by reason of a wound received in the line of their duty; which said term of five years was extended to a further term of five additional years, by an act passed April 16, 1818, entitled "An act, in addition to an act giving pensions to the orphans and widows of persons slain in the private armed vessels of the United States," in which further provision was also made for the widows or children of any officer, seaman, or marine, who should have died since June 18, 1812, in consequence of an accident or casualty which occurred while in the line of his duty on board a private armed vessel of the United States.

And the committee further report that the pensions granted or continued, under the aforesaid acts of March 3, 1814, and April 16, 1818, have now expired, or are about expiring; that the fund has its origin exclusively from the retention of a property which would otherwise have belonged to the parties, or their connexions, receiving the benefit of it; that the faith or responsibility of the Government is not otherwise implicated, with regard to this fund, than that it should become its curator or guardian, from a principle of providence and benevolence, for the purpose of affording a shelter and support to those of the brave and hardy seamen of the United States, who, in time of war, may jeopard their lives in battle on the mountain wave, and thus, although in private armed vessels, promote the general interests of their country, by distressing the commerce, and by impairing the mercantile, if not naval, marine of its enemy; that the faith of the nation is not, in any degree, pledged for the sufficiency, nor for any appropriation for the maintenance of this fund; that, by a faithful administration of its concerns, and a distribution of its proceeds, as far as they will meet the objects for which they were provided, the Government will have fulfilled all its duties in relation to those who are interested in it, and that those duties will have honorably expired with the extinction of the means in which they originated.

And the committee further report that, from information obtained from the Navy Department, it appears there are, at this time, on the Privateer Pension Fund, so called, and which is the fund herein referred to, ninety-seven invalids, disabled in action in the line of their duty, and that there are also ninety-nine widows, or orphans, of persons slain or lost in private armed vessels, who now derive relief therefrom; that the aggregate annual amount of their pensions is $17,608; that the principal of the fund consists of $131,369 64 of the six per cent. funded debt of the United States, giving an annual income of $7,882 17, leaving a deficit, including expenses, of about $10,000, which has been, and must be, supplied as occasion may require, by a sale of part of the stock belonging to the fund, involving a consequent diminution thereof, and which it has, heretofore, been indispensable to make, as will more fully appear from the letter of the Secretary of the Privateer Pension Fund, bearing date January 24, 1814, accompanying this report, and which the committee request may be received and considered as part thereof, leaving, however, more than a sufficient amount to provide for, and meet a still further extension of the pensions already granted, for the term of five years, in addition to the present term allowed by law; and the committee, therefore, respectfully ask leave to bring in a bill for that purpose.

NAVY DEPARTMENT, *Jan.* 24, 1824.

SIR: In the absence of the Secretary of the Navy, I have the honor to reply to your letter of the 22d instant, inquiring into "the present state of the Privateer Pension Fund, as regards the principal and income thereof, and the number of pensioners upon it, with the amount of their pensions;" and I beg leave respectfully to state, for the information of the Committee on Naval Affairs of the Senate, that the Privateer Pension Fund consists solely of six per cent. stock of the United States, to the amount of $131,369 64, yielding an annual income of $7,882 17. Ninety-seven invalids, disabled in action, or in the line of their duty, and the widows or children of ninety-nine persons, slain or lost in private armed vessels, derive relief from the fund, and are authorized to receive, annually, the amount of $17,608, viz: the ninety-seven disabled persons are entitled to receive $6,664, and the ninety-nine widows, or their orphans, at the rate, per annum, of $10,944.

The pensions to the persons disabled are granted during the continuance of their disability, and those to the widows or orphans for the term of ten years. The commencement of the pensions, respectively, takes place at different periods between the 18th of June, 1812, and the termination of the late war with Great Britain; and all the pensions granted to widows and orphans will expire between this and the 1st day of April, 1825. The number of invalid pensioners has been considerably diminished by death; and of the ninety-seven still retained on the list, several have not, for several years past, claimed their pensions. It is probable some of them are dead; some have recovered from the effects of the injuries they had sustained; and others are absent from the United States.

Pensions, to the annual amount of $20,568, have been granted to the widows or orphans of one hundred and ninety-seven persons, slain or lost in private armed vessels; and ninety-eight of these pensions, amounting, annually, to $9,624, have expired; some by the limitation of their term; some by death, and others by the intermarriage of the widows, without leaving children who had been under sixteen years of age at the time of their parent's decease.

The money which accrued to the Privateer Pension Fund, and by which it is constituted, arising from a deduction of two per centum on the net proceeds of prize money from captured vessels and their cargoes, and also on the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, was, successively, on its receipt into the Treasury, invested in stock of the United States. The amount of stock thus acquired, was, at one time, $209,580 65; but the interest on this sum, $12,574 84, proving insufficient for the discharge of the numerous claims admitted under the different acts authorizing the issue of pensions, especially under the act approved the 16th of April, 1818, it became indispensable either to sell part of the principal, or apply to Congress for a special appropriation in aid of the fund. The former course was preferred, and stock, to the value of $87,451 30, has been sold, at various times, since June, 1819; and, to meet the semi-annual payments, which will become due on the first days of January and July, every year, further sales of the principal will be inevitable, until, at least, the whole of the pensions granted to the widows and orphans shall have been liquidated.

Should the honorable committee, of which you are chairman, desire more particular information in relation to the Privateer Pension Fund, I would respectfully refer you to a detailed report on the subject, made by the Secretary of the Navy, on the 27th of March, 1820, to the honorable the Speaker of the House of Representatives.

With the highest respect, I have the honor to be, sir, your most obedient servant,

JOHN BOYLE,
Sec'ry Privateer Pension Fund.

Hon. JOHN LLOYD, *Chairman, &c.*

AMENDMENT TO THE CONSTITUTION.

In pursuance of the order of the day, the joint resolution reported by a select committee of the Senate, proposing an amendment of the Constitution, in regard to the election of President and Vice President, was taken up for consideration, in Committee of the Whole, Mr. SMITH in the Chair. The first question was upon adopting the amendment submitted by Mr. BENTON, in the shape of a new resolution, proposing a division of the country into districts; each district to have one vote for President and Vice President; that vote to be decided by the ballots of the people, in their primary assemblies; and when no election is made by the people, that the choice shall go to the House of Representatives, as now provided by the Constitution.

Mr. BENTON being entitled to the floor, resumed his remarks in support of his proposition; and before he had concluded, the Senate, on motion of Mr. VAN BUREN, adjourned.

TUESDAY, February 3.

The PRESIDENT communicated a report from the Secretary of War, transmitting a statement of the appropriations for the service of the year 1812, showing the amount appropriated under each specific head, the amount expended under each, and the balance remaining unexpended in the Treasury, on the 31st December, 1823.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, communicated a letter from the Navy Department, showing the annual expense of maintaining the present Naval Establishment, with information relative to a future Peace Establishment; which was read, and the letter and accompanying documents were ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom was recommitted the bill for the relief of Walter S. Chandler, reported it with an amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," reported it with an amendment.

Mr. VAN BUREN, from the same committee, to whom was referred the bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Sarah Easton and Dorothy Storer, made a report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted. The report and resolution were read; and ordered to be printed for the use of the Senate.

Mr. BARTON, from the Committee on Public Lands, to whom the subject was referred, reported a bill to enable the holders of French, British, and Spanish titles to lands, within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof; and the bill was read, and passed to a second reading.

Mr. KELLY presented the petition of Alfred Moore and Sterling Orgain, praying the payment of their account against the United States. The petition was read, and referred to the Committee on Military Affairs.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Naval Affairs respecting the Navy Hospital Fund; and agreed thereto.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands inquire into the expediency of making further provision, by law, to prevent frauds in surveying the public lands, and in making certificates of such surveys.

The Senate proceeded to consider the report of the Committee on Military Affairs on the petition of John Pritchard; and, in concurrence therewith, resolved, that the prayer of the petition ought not to be granted.

The Senate proceeded to consider the report of the Committee on Public Lands, on the petition of Andrew Henshaw; and it was postponed until to-morrow.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of William Wilson; and, on motion, by Mr. JOHNSON, of Louisiana, it was ordered to lie on the table.

The bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; the bill to regulate the surveying of the public and private lands in the southern part of Alabama; the bill for the relief of Thomas F. Riddick, of the State of Missouri; the bill supplementary to "An act to perfect certain locations, and sales of the public lands, in Missouri," passed April 26, 1822; and the bill extending the term of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war; were severally read the second time.

AMENDMENT TO THE CONSTITUTION.

The order of the day, being the proposition submitted by Mr. BENTON, to amend the Constitution of the United States, in regard to the election of President and Vice President, was again taken up. Mr. BENTON resumed, and concluded his remarks on the subject, as given entire as follows:

Mr. BENTON said, he would offer no apology for attempting to amend the Constitution. It was his right, and, if sincere in his belief of its necessity, it was his duty to do so. He apprehended no evil from the multitude of amendments proposed, but thought it more probable that beneficial amendments would be rejected than that injurious propositions would be adopted. It was no easy thing now to effect an alteration in the Constitution. The difficulty of carrying an amendment through the process of ratification, presented a great obstacle, and the temper of the American people presented another, not less formidable. Though full of law-making, even to superfluity, upon subjects of ordinary policy, the people discover no disposition to make alterations in their fundamental code. On this point they seemed disposed to answer, like the old English Parliaments, when preparations were made to change the common law, "*Nolumus leges angliæ mutari.*" Applauding this sentiment, Mr. B. said, it behooved him to justify himself to the Senate for having submitted a proposition of amendment. The justification could be readily made. It would be found in the fact, that the case had occurred which the framers of the Constitution had foreseen, and for which they had provided a remedy by providing the means of amendment. These great men knew that it was one thing to lay down a plan of Government upon paper, and another to put that Government into practical operation. They knew that the theory might be perfect, and the practice vicious; that experience was the only infallible test of good or bad institutions; and, despising the arrogance of an overweening confidence in the perfection of their own work, they not only provided the means of amending the Constitution, but they relied upon this capability of amendment as one of the chief arguments in favor of the adoption of the instrument itself. Their language was, "experience must guide 'our labor; time must bring it to perfection; and 'the feeling of inconvenience must correct the 'mistakes into which we inevitably fall in our 'first trials and experiments."—(*Federalist, No.* 85.) In this spirit they provided a mode for reforming the Constitution, and gave the power of originating the reform both to the Federal and the State Governments, that neither might be dependent upon the other for the exercise of a power on which its own preservation might depend. In fixing upon the manner of making amendments, they flattered themselves that they had hit upon a mode equally remote from that extreme facility which would make the Constitution too mutable, and that extreme difficulty which would give perpetuity to its detected defaults. And, if they have erred in this judgment, they have erred upon the safer side; upon the side of difficulty, and not of facility, in changing the principles of our fundamental code.

The amendment submitted applies to that part of the Constitution which relates to the election of President and Vice President of the United States. Stripped of formal phrases, and minute provisions, and it presents four distinct propositions to the consideration of the Senate:

1. To divide the United States into Electoral districts.
2. To discontinue the use of intermediate Electors.
3. To commit the election to a direct vote of the people.
4. To continue the umpirage of the House of Representatives, in all cases, in which no candidate has received a majority of the whole number of votes.

The *first* of these propositions has often been before the Senate; the *second* and *third* are now considered new, because it is forgotten that they were offered and discussed in the Convention which framed the Constitution; and the *fourth* is strictly defensive, intended to sustain a part of the Constitution now in force.

Mr. BENTON proceeded to argue the propositions in the order laid down.

First: To divide the United States into Electoral districts.

We are struck with the want of uniformity in the manner of choosing Electors in different parts of the Union. Seven States, entitled to seventy Electors, choose them by districts; seven others, entitled to seventy-one Electors, choose them by a legislative ballot; and the remaining ten, entitled to one hundred and twenty, choose them by a general ticket. In the old monarchies of Europe, a want of uniformity in the operation of the Government is natural, because they are composed of conquered provinces, badly amalgamated, and each retaining a part of its former laws and customs; but, in the United States, composed of sovereignties voluntarily united, and all acting under the same clause of the same Constitution, made by themselves, such deviations are most unnatural, and imply a great fault in the Constitution itself, or in its administration by the State Legislatures. The evil of a want of uniformity in the choice of Presidential Electors, is not limited to its disfiguring effect upon the face of our Government, but goes to endanger the rights of the people, by permitting sudden alterations on the eve of an election, and to annihilate the right of the small States, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate. These obvious evils make it certain that any uniform rule would be preferable to the present state of things. But, in fixing on one, it is the duty of statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of the Chief Magistrate, and to every individual citizen a fair opportunity of voting according to his will. This would be effected by adopting the *District System*. It would divide every State into districts, equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the rights of individuals: for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a majority of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the interests of all parts of the States; for each State may have different interests in different parts; one part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern, or that two should combine and sacrifice the third. The district system would be agreeable to the intention of our present Constitution, which, in giving to each Elector a separate vote, instead of giving to each State a consolidated vote, composed of all its Electoral suffrages, clearly intended that each mass of persons entitled to one Elector, should have the right of giving one vote, according to their own sense of their own interests.

The general ticket system, now existing in ten States, was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the Constitution; violates the rights of the minorities, and is attended with many other evils. The intention of the Constitution is violated, because it was the intention of that instrument to give to each mass of persons, entitled to one Elector, the power of giving that Electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of one will carry the vote of the whole State. This principle is the same, whether the Elector is chosen by general ticket or by legislative ballot; a majority of one, in either case, carries the vote of the whole State. In New York, thirty-six Electors are chosen; nineteen is a majority, and the candidate receiving this majority is fairly entitled to count nineteen votes; but he counts, in reality, thirty-six; because the minority of seventeen are added to the majority. These seventeen votes belong to seventeen masses of people, of forty thousand souls each, in all six hundred and eighty thousand people, whose votes are seized upon, taken away, and presented to whom the majority pleases. Extend the calculation to the seventeen States now choosing Electors by general ticket or legislative ballot, and it will show that three millions of souls, a population equal to that which carried us through the Revolution, may have their votes taken from them in the same way. To lose their votes, is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.

Mr. B. would be unwilling to use a harsh epithet, but he considered this case as amounting to an impressment of civil rights, more dangerous to our liberties than the impressment of our bodies by British ships of war. Free elections are the corner stones of all our institutions, and our citizens are sufficiently sensible to all attempts to destroy that freedom by violence. The violation of the right of one single vote, by a military force, would excite the indignation of the whole continent, and the disbandment of our six thousand men would not be enough to relieve us from future apprehension. Yet legislative enactments may be equally fatal, and are, in reality, more dangerous, to the United States, because less dreaded.

A further mischief of the general ticket system is, in segregating the States, drawing them up against one another, like hostile ships in battle. Out of this system has sprung the anti-social words of modern invention—"effective votes," "operative votes"—as if the States were contending with Turks or Russians. This alienates the States from each other, and fills them with hostile feelings, and the President elected must become the President of the States which choose him, and look with coldness and resentment upon those which opposed him.

The choice of Electors by legislative ballot is subject to all the objections which apply to the general ticket system, and to others of the gravest kind. In the first place, it seems to me to be a direct infraction of the Constitution of the United States, and an open usurpation of the rights of the people.

The words of the Constitution are: "Each 'State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and

'Representatives to which the State may be entitled in the Congress," &c.

The analysis of this clause shows that two powers are required to act: first, the Legislature, which is to direct the manner; and, secondly, the State, which is to appoint the Electors.

Are the words "State" and "Legislature" synonymous?

The word State is a comprehensive term. It takes in all sorts and sizes of government, but always requires three constituent principles, to wit: people, territory, and sovereignty. In the Constitution of the United States, it has a precise meaning, too obvious to be insisted upon here. It is never confounded with the words "Convention" or "Legislature." When the "State" is to do a thing, the people of the State are to do it, and a legislative body is not competent to act, because it is not the State, but a department of it. The constitutions of all the States declare the legislative body to be a department only. Whenever the Constitution of the United States intended the Legislatures of the States to do an act, independent of the people, it has expressed its intention in terms wholly unequivocal, as in the appointment of Senators in Congress—"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years," &c. In the mode of ratifying amendments to the Constitution, the distinctions are again explicit: "The Congress, whenever 'two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, &c., which shall be valid, to all intents 'and purposes, as part of this Constitution, when 'ratified by the Legislatures of three-fourths of 'the States, or by conventions in three-fourths 'thereof." It would be absurd to admit the Legislature to be the State, for, in that case, there would be no State when the Legislature was not in session. Certainly, it seems to be a loss of time to employ words upon a difference so palpable; but it is necessary to mark it; for the question now to be decided turns upon the distinction between the appointing power of the State, and the directorial power of the Legislature, over the forms of the election.

No argument in favor of this legislative pretension can be bottomed on the word "appoint." Literally, it may refer to the act of any number. In common parlance, it refers to the act of an individual, and that individual a superior, as "the King appoints his Ministers." In the Constitution, it is used synonymously with *elect* and *choose*. It is so used in an after clause of this same article, and in reference to this identical appointment of Electors—"Congress may determine the time of choosing the Electors, and the day on which they shall give their votes," &c. In fine, the word "appoint" was evidently used to avoid that figure of speech which the rhetoricians call tautophony, that ungraceful repetition of sound which would be produced by saying "elect Electors."

The word "manner" can imply nothing but form—as the mode of conducting the election, taking the votes, certifying the returns, &c.

The word "direct," is less susceptible of misconstruction than any one in the clause; and, above all others, has been farthest deviated from. It always implies an address to a third party, and never to one's self. It is incapable of being so used. A man may regulate his own conduct, but he directs that of others. A parent directs his child; a tutor directs his pupil; a General directs the operations of his army; a legislative body may direct the people how to go through the forms of an election; but a man cannot direct himself; a legislative body cannot direct itself. There is not a book in the English language which uses the word in this sense; not one, from the little primer, that comes to us in company with the birchen rod, up to the ponderous folio of Johnson. No man acquainted with the power of language would so use it; much less the eminent men who framed the Constitution with so much ability, both as scholars and statesmen, and with such scrupulous regard to the precise meaning of every word admitted into that important instrument. But the Legislatures of seven States have so used it, and the question is, not whether they are right or wrong, but whether they have the right to alter the fixed meaning of a plain English word, for the purpose of investing themselves with a power which the Constitution had given to the people of the States?

Mr. B. asserted the obvious meaning of the clause to be the same as if it had been conceived in the following words: "The people of each State shall elect, in such form as the Legislature thereof may prescribe, a number of Electors, equal," &c. Instead of which, the Legislatures referred to had practised under it as if written: "The Legislature of each State shall elect, in such manner as they and each of them shall severally please, a number of Electors, equal," &c.

Thus, upon the words of the Constitution, it is clear that the people of the States, and not the Legislatures of the States, have the right to choose Electors of President and Vice President.

The construction put upon the Constitution, at the time of its adoption, proves the same thing.

Mr. Madison, in the Virginia convention, said, "The people choose the Electors."

The Federalist says the same thing, in twenty places. No. 68 repeats it four times. It describes the Electors as "men chosen by the people, for the special purpose" of choosing the President. It describes them as "a small number of persons selected by their fellow-citizens from the general mass." It says, the Constitution has "referred 'the election of the President, in the first instance, 'to an immediate act of the people of America, 'to be exerted in the choice of persons for the 'temporary and sole purpose of making the appointment." And it speaks again of the Electors as "a special body of representatives, deputed by 'the society for the single purpose of making the 'important choice."

To this list of authorities may be added the Legislatures of seventeen States, which have prescribed the forms of choosing Electors, and left it to the people themselves to make the choice.

Having quoted these constructions of the Constitution to prevent misapprehension, Mr. J. would give his opinion upon the effect which they should have upon the decision of the Senate.

He did not admit that any Senator, or any other officer whose duty it became to expound the Constitution, was bound by a previous construction. He did not admit that they were in the condition of judges, construing a statute, and tied down by respect to their brothers, and the practice of a thousand years, to obey the previous decisions in analogous cases. Their duty depended upon a peculiar obligation to be found in the Constitution itself. All legislators have been anxious to perpetuate their work, and all have had recourse to the security of oaths. Lycurgus swore the Spartans to maintain his laws until his return; then went abroad, died, and had his ashes scattered in the air. The framers of the American Constitution invoked the aid of the same security, but without limitation of time or circumstance. In Article 6 they have required that—

> "The Senators and Representatives in Congress, the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution."

Upon this oath, each person intrusted with the great duty of expounding the Constitution, is bound to go back to the words of the instrument itself, whenever a question of construction arises. He may and ought to consult the opinions of others, in order to enlighten his own. He may quote the opinions of others to give greater weight to his own; but he cannot surrender his own in favor of another, which he believes to be wrong, without disregarding the obligation by which he has bound himself to support this Constitution.

The reasons which induced the Convention of 1787 to institute an intermediate body of Electors, the attributes which they were to possess, and the dangers from which they were to be free, will equally show that legislative bodies were not intended to choose the Electors, much less to erect themselves into Electoral colleges. These reasons, attributes, and apprehended dangers, will be found stated in the Federalist, No. 68, but, for the sake of brevity and perspicuity, will be presented to the Senate under the heads to which they belong:

1. The Electors are to be chosen within thirty-four days before the first Wednesday in December.
2. They are to be chosen for the sole purpose of electing the President and Vice President.
3. They are to meet on the same day throughout the Union.
4. They are to sit but one day.
5. The Electoral colleges are not to be subject to caballing.
6. They are not to be pre-existing bodies.

In bringing the legislative bodies to the test of these reasons and attributes, they will not only be considered in their apparent capacity of electors of Electors, but in their real character of Electors of the President of the United States.

First. The Electors are to be chosen within thirty-four days before the day of electing the President.

The reason for fixing an interval so short is sufficiently obvious. In the first place, it delays the choice of Electors until there is full time for all the Presidential candidates to be known. In the second place, it allows no time for combinations to be formed between the Electors of different States, or for the Electors themselves to be bribed or intrigued with. Yet the members of the Legislatures, in the seven States referred to, are elected, one, two, three, and even four years before the day of electing the President. None of them are chosen for a shorter time than one year, most of them for two, and the Senators of several are chosen for four years! The whole of them are obnoxious to the objections against which the Constitution intended to guard. There is ample time for intrigue, for corruption, and for combinations. The voice of the people has but an indirect operation when the members of the Legislature are chosen one year before, and none when they are chosen two, three, or four; for, at that time, the names of the candidates are unknown, and the Presidential election unthought of by the body of the people.

Secondly. The Electors are to be chosen for the sole purpose of electing a President and Vice President.

The reason of this qualification needs no illustration. It was clearly intended to close the door against the possibility of bartering votes by giving to the Electors but one single subject to vote upon. How will the legislative bodies stand the test of this reason? When chosen within some months, or a year, before the time of electing the President, they are chosen partly for that purpose and partly for many other purposes. Some knowing ones, some furious partisans, and some equally furious enemies, may surrender all considerations for the single object of getting in a man who will be for or against a particular candidate for the Presidency; but with the body of the people, the legislative duties will be the first consideration, and the Presidential election, nothing but an ingredient, mixing itself in different proportions in the main inquiry. This is the best aspect of the question, and must be confined to elections which take place within some months, or within a year before the President is chosen. To those which come on two, three, or four years before, the Presidential election is entirely out of view. So far from being chosen for the sole purpose, the members of the Legislature are not even thought of for the purpose of electing the President. Strong as this case is, there is still a more flagrant point of view in which to exhibit it. It is the case of a legislative body, elected purely for legislative purposes, and afterwards repealing the laws which directed the people how to go through the forms of the election, and seizing into their own hands the whole power of appointing the Electors. This is not an imaginary case. It has repeatedly happened. It is sufficient to name one instance; that of New Jersey, in the year 1812, in which the Legislature thus invested itself with the power of appointing Electors about three days before the people would have exercised it. When met in the Legislature, innumerable are the opportunities and temptations to barter votes. Judges, generals, governors, and many other State officers are to be elected. Towns are to be laid off, peradventure on some member's land. New counties are to be erected for the benefit of a clerk, a sheriff, and a colonel; peradventure, also, members at the time. Many other local interests are to be accommodated. The members interested in all these domestic questions, are laid under violent temptations to exchange votes with the friends of a Presidential candidate.

Thirdly. The Electors are to meet on the same day, throughout the Union, and to vote for President and Vice President.

The Legislatures meet on the days fixed by the State constitutions, or on the days which they themselves fix by law. In neither case are they governed by the Constitution of the United States. When met, the Legislature, at any time that it pleases, enters upon the business of choosing a President; and, when the choice is made, a farce is got up to appease the manes of the Constitution. Nominal Electors are chosen, and sent to the place where the votes of the State are to be counted. Instead of going to vote for President, they carry the votes in their pockets, the same which they have received from the legislative body. These votes are shown and counted, and the form of an election is gone through, but no more of the substance than there is of a wedding in the annual marriage of the Doge of Venice with the Adriatic Sea. The real election was held weeks or months before, when the legislative body selected their candidate; and the nominal Electors are nothing but messengers, trusted to bring the votes to the place of counting, and without any more power over them than the messenger afterwards employed by themselves to take up these same legislative votes, and bring them on to the Seat of Government.

Fourthly. The Electoral Colleges are to sit but one day.

The reason for limiting the Electors to this transient existence, was to prevent the possibility of intrigues and corrupt practices, by denying the time that would be necessary to carry them into effect. But the sittings of the legislative bodies are not under the control of this limitation. They sit as long as they please—usually several months—and, during all that time, it is beset, like a besieged fortress, by armies of intriguers; cannonaded with books and with pamphlets; bombarded with newspapers; perforated with the rifle shot of private and confidential letters; and undermined by the silent operations of sappers and miners.

Fifthly. The Electoral Colleges were not to be subject to *caballing*.

The framers of the Constitution sought to protect the Presidential election from the influence of that occult management which is the bane of republican councils. They thought they had succeeded when they instituted Colleges of Electors, composed of few persons, selected for their elevated character; brought together suddenly; confined to the discharge of one single duty, and dispersed in the short space of twenty-four hours. But legislative bodies are the reverse of all this. They are the true field for caballing; the theatre adapted to the talents of such men as the five Cabinet Ministers of Charles the Second; to the initials of whose names, combined with their characters, the world is indebted for the political signification of the Hebrew word *cabal.* The Legislature of Pennsylvania afforded a signal example in the year 1800. The two Houses differed in the choice of President. They would neither pass a law to direct the people how to hold the election, nor would they vote together. There was a majority of "two" in the Senate, and this lean majority, in the leanest branch of the Legislature, paralyzed the power of the State, and forced a compromise with the other branch, by which the elective power of the people, like the spoil of a vanquished enemy, was divided between themselves, each naming one-half the Electors!

Sixthly. The Electoral Colleges were not *pre-existing* bodies.

For the obvious reason that they might not be tampered with, beforehand, to prostitute their votes. Yet, the legislative bodies are pre-existent, to the extent of one, two, three, and even four years; and, during all this time, are subject to the danger from which it was the intention of the Constitution that the Electors of the President should be free.

Upon each of these reasons the legislative pretension to choose Electors is condemned. But there is one more argument to be brought against them; an argument not invented, but found; not taken from the head, but drawn from the page of American history; from the Journal of the Convention of 1787, from the act of the great men who framed the Constitution. An argument of that conclusive nature which only requires to be stated to silence opposition.

[Here Mr. B. read from the Journal of the Convention, pages 92, 190, 324, 333, to show that it was proposed, at one time, to have Electors chosen by the Congress; at another to have them appointed by the Governors of the States; at another, to vest the power of choosing them in the Legislatures of the different States; that this latter proposition was actually adopted at one time, on the 19th of July, and remained in the plan of the Constitution until the 6th day of September following, when it was struck out by a vote of nine States against two. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Georgia, in favor of striking out; North and South Carolina in favor of retaining the clause.]

Mr. B. believed that all attempts to amplify such an argument as this, would only weaken it. He had tried the legislative pretension by the words of the Constitution; by its contemporaneous construction; by all the reasons which led to the institution of Electoral Colleges, and by the vote of the Convention passing upon the identical point in question; and, upon every trial, the pretension was condemned, and stood before the Senate as a direct infraction of the Constitution, and an open usurpation of the rights of the people.

Nothing has been said to justify it. On the contrary, the excuses and apologies for the general ticket and legislative systems, have turned upon the admission of their impropriety. The Senator from New York, (Mr. VAN BUREN,) in that spirit of amity, concession, and mutual deference, which cannot be too much admired, has even proposed to surrender both these systems, upon condition, nevertheless, that the small States should surrender their right to an eventual vote for President, by *States*, in the House of Representatives. He has called this a compromise, and has certainly urged it upon the Senate with unaffected and becoming seriousness. But the proposition cannot be met. The terms are not equivalent. On the part of the great States, it is proposed to relinquish a power, usurped from the people, in violation of the Constitution; on the part of the small States, it is proposed to surrender a Constitutional right: the one growing out of ambition and schemes of domination; the other granted to the small States for the preservation and security of their rights. Others place the apology upon different grounds. They run over a list of the States which have adopted these modes, and then say, they must adopt the same, by way of self-defence, and that they will discontinue it when the rest will do so. Thus, these States take the attitude of Cæsar and Pompey, each declining to disband his army first. They prefer to violate the Constitution, and to outrage the rights of the people, rather than be the first to set an example of justice and moderation.

Two questions, of great delicacy, now present themselves:

1. If Electors are not appointed according to the Constitution, can their votes be counted?

2. If objected to, who shall judge them?

It is the duty of the two Houses of Congress to count the votes. Can they count unconstitutional votes? If they cannot, shall they not judge every vote before it is counted?

Mr. B. would not debate these questions. He hoped that the time might never arrive when it should be necessary to debate, much less to decide them. The country had seen the agitation of 1800, and the still greater agitation of 1820; yet these were nothing but gentle breezes, dead calms, compared to what might be expected if Congress should sit in judgment upon the votes of seven States. Yet, if it shall become their duty, shall they hesitate? Shall they flinch from the defence of the Constitution which they have sworn to defend, because seven States may stand ready to light up the flames of civil war, if not permitted to violate that sacred instrument according to their own will and pleasure? He spoke hypothetically, and with all the respect for the States referred to, which was compatible with the undissembled expression of his own opinion. It was not his intention to start a new discussion, or to excite feeling, but to have the advantage of a new and powerful consideration in favor of the district system—in favor of some uniform mode of choosing the President; and thus bringing back these States to the path of the Constitution, by the gentle means of an amendment, pointing at no one in particular, and bearing upon all alike.

Mr. B. proceeded to argue the SECOND PROPOSITION, which he had submitted to the consideration of the Senate, to wit: to discontinue the use of an intermediate body of Electors in the choice of President and Vice President of the United States. He read from the Federalist, No. 68, to show the views with which Electors were instituted:

> "It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances most favorable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite in so complicated an investigation."

By the Constitution it was intended that the electoral office should be one of the first dignity in the Republic. The Electors were to be selected; men, chosen by the people on account of their superior virtue and intelligence, and left to make choice of a President, according to their own enlightened understandings, without the slightest control from the less informed multitude. This was the intention, but the plan has wholly failed in the execution. The Electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of President; they are not above the control of the people; on the contrary, every Elector is pledged, before he is chosen, to give his vote according to the will of those who choose him. He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the Convention to institute Electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an Elector. They are dangerous to the liberties of the people, because, in the first place, they introduce extraneous considerations into the election of President; and, in the second place, they may sell the vote which is intrusted to their keeping. They introduce extraneous considerations, by bringing their own character and their own exertions into the Presidential canvass. Every one sees this. Candidates for Electors are now selected, not for the reasons mentioned in the Federalist, but for their devotion to a particular party; for their popular manners, and their talent at electioneering.

The Elector may betray the liberties of the people, by selling his vote. The operation is easy, because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for his breach of trust. If a swindler defrauds you out of a few dollars in property or money, he is whipped and pilloried, and rendered infamous in the eye of the law; but, if an Elector should defraud forty thousand people out of their vote, there is no remedy but to abuse him in the newspapers, where the best men in the country may be abused, as much as Benedict Arnold or Judas Iscariot. Every reason for instituting Electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents, in a case which requires no agent; and no prudent man would, or ought, to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

But, if the plan of the Constitution had not failed—if we were now deriving from Electors all the advantages expected from their institution —I, for one, said Mr. B., would still be in favor of getting rid of them. I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened, but smaller, and, therefore, more corruptible body. I should be opposed to the intervention of Electors, because the double process of electing a man to elect a man, would paralyze the spirit of the people, and destroy the life of the election itself. Doubtless this machinery was introduced into our Constitution for the purpose of softening the action of the democratic element; but it also softens the interest of the people in the result of the election itself. It places them at too great a distance from their first servant. It interposes a body of men between the people and the object of their choice, and gives a false direction to the gratitude of the President elected. He feels himself indebted to the Electors, who collected the votes of the people, and not to the people, who gave their votes to the Electors. It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.

Mr. B. referred to historical examples, to prove the correctness of his opinion.

He mentioned the Constitution of the French Republic, of the year III, of French liberty. The people to choose Electors; these to choose the Councils of Five Hundred, and of Ancients; and these, by a further process of filtration, to choose the Five Directors. The effect was, that the people had no concern in the election of their Chief Magistrates, and felt no interest in their fate. They saw them enter and expel each other from the political theatre, with the same indifference with which they would see the entrance and the exit of so many players on a stage. It was the same thing in all the subaltern Republics of which the French armies were delivered, while overturning the thrones of Europe. The constitutions of the Ligurian, Cisalpine, and Parthenopeian Republics, were all duplicates of the mother institution, at Paris; and all shared the same fate. The French consular constitution, of the year VIII, (the last year of French liberty,) preserved all the vices of the Electoral system; and from this fact, alone, that profound observer, Neckar, from the bosom of his retreat, in the midst of the Alps, predicted and proclaimed the death of liberty in France. He wrote a book to prove that, "*Liberty would be ruined by providing any kind of Substitute for Popular Elections*," and the result verified his prediction, in four years. But the strangest of all arguments against the use of Electors, the fact which goes farther than all others to prove them to be dangerous to the rights of the people, is, that they are continued in France, at this time, under the charter of Louis XVIII. The people choose Electors, as under the constitutions of the years III and VIII; and these Electors choose the deputies to the legislative body. Heretofore, the Court party contented itself with a majority, but the signs of liberty shown by the minority, in opposing the Spanish war, has determined it to have the entire body devoted to the Crown; and the last advices inform us, that the Chamber would be dissolved to make room for this change, which would be openly effected by bribing the Electors.

Mr. B. regretted that the young Republic of Colombia had adopted the Electoral system, both in the choice of representatives in the Cortes, and in the election of the Supreme Executive. Doubtless they proceeded upon the idea, that the people were not sufficiently enlightened for the practice of self-government; but the body of the people are always sincerely devoted to the interest of their country, and their honest mistakes are less dangerous to liberty than may be the artful designs of a small and select body.

He referred to the era of the adoption of the American Constitution, to show, that many enlightened statesmen were then opposed to the use of Electors. From the debates in the Virginia Convention, he read several passages from speeches delivered by Mr. Monroe; among others, the following:

"He (the President) is to be elected in a manner perfectly dissatisfactory to my mind. I believe that he will owe his election, in fact, to the State Governments, and not to the people at large." "A combination among the Electors might easily happen, which would fix on a man every way improper. Contemplate this in all its consequences. Foreign nations, by their intrigues, may have great influence, in each State, in the election of President. Will not the influence of the President himself have great weight on his re-election? The variety of the offices at his disposal, will acquire him the favor and attachment of those who aspire after them, and of their friends. He will have some connexion with the members of the different branches of the Government. They will esteem him, be-

'cause they will be acquainted with him, live in 'the same town, and often dine with him. This 'familiar and frequent intercourse will secure him 'great influence. I presume, when once he is 'elected, he may be re-elected forever."

THIRD PROPOSITION: To commit the election of President to a direct vote of the American people.

This is not a new project. It was presented and discussed in the Convention of 1787, was twice put to the vote, and supported by the States of Pennsylvania and Delaware, then represented by some of the ablest men that any age or country has produced. These representatives were—

For Pennsylvania—	*For Delaware—*
Benjamin Franklin,	George Read,
Thomas Mifflin,	Gunning Bedford,
Robert Morris,	John Dickinson,
George Clymer,	Richard Basset, and
Thomas Fitzsimmons,	Jacob Broom.
Jared Ingersoll,	
James Wilson, and	
Gouverneur Morris.	

Mr. B. took a pride in reviving the proposition of these great men. He felt himself treading upon safe ground, when he could say to the American people, "I am endeavoring to carry into effect the plan of Benjamin Franklin, and of the eminent statesmen whose names have been just read." And, instead of being called upon for an argument in support of a plan so congenial to the principles of our Government, he would suppose that the American people would call for the reasons which prevented its adoption when first proposed. These reasons will be found in the Federalist, in No. 68, and reduce themselves to objections growing out of—

1. The extent of the country;
2. The difference of population;
3. Danger of foreign interference;
4. Danger of corruption;
5. Want of intelligence in the people;
6. Danger of tumults and popular commotions.

Without inquiring into the validity of these objections, at the time that they were urged, it will be sufficient to consider them now, and to show that, with the experience which has been acquired since the adoption of the Constitution, and in the present condition of America, there is not one of them which does not admit of a prompt and satisfactory answer.

First. The extent of the country. This objection would be fatal, if the American citizens, like the Romans, were called from all parts of the Republic to vote at the Seat of Government. But they will continue to vote where they now do, in their respective counties, wards, and townships; the time only will be fixed by Congress to make the day of the election the same throughout the Union; but all the forms will be regulated by the State Legislatures.

Second. Difference of population. This objection would be fatal if the votes were to be consolidated in one general return. In that case the slaveholding States would lose the three votes in five which they now give for their black population. Doubtless it would be well for them if they could lose them by getting rid of their black population. The race of whites would take their place, and five would count five, instead of counting three, as it now does. It is the peculiar misfortune of those States that, to all the evils incident to the possession of slaves, is superadded a loss of political weight by this method of counting five persons for three. But the objection would be equally fatal if all the States were non-slaveholding. The qualifications of voters differ in each. In some the right of suffrage is universal; in others it is limited to those who have paid a tax; in others to those who hold a house, or possess real estate; and in all a residence of greater or less duration is required. In each of these the same mass of population would give different numbers of votes. But this objection is avoided, and the relative weight of the States is preserved, precisely as fixed by the Constitution. Instead of a consolidated vote, the election will be decided by districts. Each district will give one vote, as it now chooses one Elector; and the candidate preferred in the district will be entitled to that vote. To the result, it will be wholly immaterial whether the district containing a given number of souls, say 40,000, shall contain one thousand or seven thousand persons, entitled to vote for members in the most numerous branch of the State Legislature. It is to persons thus entitled that the privilege of voting for President is proposed to be extended; and it will depend upon the State constitutions, not upon Congress, or the Federal Constitution, to restrain or enlarge this privilege.

Third. Danger of foreign interference. That there is reason to apprehend such interference is readily admitted. The histories of all elective Governments are full of examples. Our own contains one instance of open and avowed interference, that of Genet's proclamation, in the year 1795. But it is denied that the people are most subject to be influenced by this interference. By what means do foreign nations interfere in elections? First, by troops; secondly, by money. Our local position frees us from apprehension of the first; and, as for money, it must come through the hands of the diplomatic corps; and must be distributed to the persons with whom they congregate. Who are these? American farmers? No. Foreign Ministers are not seen in the interior of the States, at the houses of the farmers, offering gold for votes; and, if they should ever attempt it, they would find many to answer, with the incorruptible George Reed, "The King, your master, is not rich enough to buy me;" and not a few whose answer would stop forever the advance of the Minister. No, sir, foreign agents go to small bodies of men; to a Polish diet; to a Germanic college; to a conclave of holy cardinals; and we know how they go. In the time of Francis and Charles, they went to the German Electors, followed by long trains of mules, packed with bags of gold and silver; but, since the introduction of bills of exchange, the company of the long-eared animals is dispensed with. A scrip of paper is equally efficacious, and avoids the scandal of a public display. If foreign gold shall ever be brought to influence our elections, it will go to the Electors, or to the legislative bodies, which have usurped the power of choosing the President, and not to the people at large. We have seen the time when tens of millions would have been given by either of the great belligerents of Europe to have elevated a man to the Presidency who would have involved the Republic in the war, as one of their allies; and these times may be seen again, when the virtue of public men shall be less stern than it has been. The authors of the Federalist were unfortunate; they were absolutely unlucky in the application of this objection. It is an argument for, instead of against the people, and recoils with overwhelming force upon a small body of Electors.

Fourth. Danger of corrupting the people. This objection is taken from the history of small States, composed of one or two cities; or, from the history of great ones, where the political power resided in the inhabitants of the capital. But, examples thus derived, have no application to the state and condition of the American people. What would be the means of corruption in the United States? They have already been exhibited in the speech of our present Chief Magistrate, delivered in the Virginia Convention, in the year 1788, and quoted in the beginning of this argument. Offices, loans, contracts, and entertainments, constitute those means. Apply them to the people. Of offices, there would not be one for a thousand; of loans, not one in an hundred thousand would have any money to lend on terms, either good or bad; of contracts, there would not be ten in the thousand who would want them, nor one in the thousand who could get them. The great extent of the Republic, and the dispersed situation of the inhabitants, would render it impossible to entertain them *en masse*, as Cæsar did the Roman citizens upon his return from Gaul. The twenty-two thousand tables, spread by that conqueror, for the dregs of a degenerate city, could not be stretched from Maine to Florida, from the Atlantic to the Mississippi. But, change the direction of these engines of corruption. Address the offices, loans, contracts, and dinners, to a College of Electors! Do you see this book? said Mr. B., (holding up an octavo volume bound in blue and gold.) It is the brother to this, (holding up another much less,) and two years younger, but, contrary to the laws of nature, the younger is one fourth the largest. These books are compiled under a resolution of Congress, and directed to be laid upon our tables on the first day of January of each new Congress. The one which was due on the first day of January last, has not yet appeared. I was anxious to have had it, and to have compared it to its elder brethren, for I am much mistaken if the new born infant, from the moment of its birth, will not exceed all his family in size, and that the increase will be the same, in each succeeding member of the family, until, in form and dimensions, a monster shall be produced. This book, the last that has appeared, came forth on the 1st day of January, 1822.

It contains two hundred and-fifty seven pages, every page contains forty names, every name fills an office, and every office draws an annual salary out of the public Treasury, varying in all degrees from nine thousand dollars down to a unit. The whole is in the gift of the Executive. It is the book of Executive patronage, the Blue Book of the Republic, the Red and Gold Book of the monarchies of Europe. But this book cannot corrupt the people. The ten thousand offices it contains, could effect nothing among ten millions of people. Nine millions nine hundred thousand would remain without offices, and uncorrupted. But apply it to an Electoral college of two hundred and sixty-one members, or to a small Legislative body, and there would be places, by dozens, for themselves and their friends. The virtue and simplicity of this day must pass away. The time will come, when political power will be bought, and when the money of the people will be taken to pay the price. The time will come, when the wifeless and childless bachelor shall not look out for a successor to his estate, with more anxious solicitude than the incumbent President shall look out for a successor to his Presidential power. The time will come, when the American President, like the Roman Emperors, will select his successor, take him by the hand, exhibit him to the people, place him upon the heights and eminences in the Republic, display him in every amiable, every attractive point of view, make him the channel of all favor, and draw the whole tribe of parasites and office hunters to the feet of the favorite. We know it is written, that more nations worship the rising than the setting sun; but, let the two suns appear above the horizon at once; let their rays be drawn to a focus upon an Electoral college or Legislative assembly; yes, let their concentrated rays fall at once upon the double ranks of their united worshippers; let two Blue Books be displayed at once, the actual President paying down his ten thousand offices, and the heir apparent giving his note for ten thousand more, due and payable on the fourth day of March then next ensuing! What virtue could stand such trials? The effect must be overwhelming upon a small body of two or three hundred Electors; but all these temptations would become insignificant when scattered and dispersed among the millions of people which fill the Republic. The candidate for *their* favor could derive no benefit from his long list of offices. He must come, with a list, not of offices to be given, but of services performed, in the field or the cabinet. He must come, like the elder Cato, to reform the manners of a degenerate age, by an example of simplicity and economy in his own person—like Appius Claudius, to improve and adorn the interior of his country—like Cicero, to crush conspirators by the thunder of his eloquence—like Scipio, to expunge the rival nation from the face of the earth—like Marius, scarred with innumerable wounds, received from the public enemy—he must come, like our own great Washington, not to pillage his country, but to serve her, and to retire from her service, through the portals of everlasting fame.

Mr. B. took up the *Fifth* objection.—Want of sufficient intelligence in the people to enable them to make a judicious choice of President.

He said, this objection had a weight in the year 1787, to which it is not entitled in the year 1824. Our Government was then young, schools and colleges were scarce, political science was then confined to few, and the means of diffusing intelligence, were both inadequate and uncertain. The experiment of a popular government was just beginning; the people had been just released from subjection to an hereditary King, and were not yet practised in the art of choosing a temporary chief for themselves. But, thirty-six years have reversed this picture. Thirty-six years, which have produced so many wonderful changes in America, have accomplished the work of many centuries upon the intelligence of its inhabitants. Within that period, schools, colleges, and universities, have multiplied to an amazing extent. The means of diffusing intelligence have been wonderfully augmented by the establishment of six hundred newspapers, and upwards of five thousand post offices. The whole course of an American's life, civil, social, and religious, has become one continued scene of intellectual and of moral improvement. Once in every week, more than eleven thousand men, eminent for learning and for piety, perform the double task of amending the hearts, and enlightening the understandings, of more than eleven thousand congregations of people. Under the benign influence of a free Government, both our public institutions and private pursuits, our juries, elections, courts of justice, the liberal professions, and the mechanic arts, have each become a school of political science and of mental improvement. The Federal Legislature, in the annual message of the President, in reports from heads of Departments, and committees of Congress, and speeches of members, pours forth a flood of intelligence which carries its waves to the remotest confines of the Republic. In the different States, twenty-four State Executives, and State Legislatures, are annually repeating the same process within a more limited sphere. The habit of universal travelling, and the practice of universal interchange of thought, are continually circulating the intelligence of the country, and augmenting its mass. The face of our country itself, its vast extent, its grand and varied features, contribute to expand the human intellect and to magnify its power. Less than half a century of the enjoyment of liberty has given practical evidence of the great moral truth, that, under a free Government, the power of the intellect is the only power which rules the affairs of men; and virtue and intelligence the only durable passports to honor and preferment. The conviction of this great truth has created an universal taste for learning and for reading, and has convinced every parent that the endowments of the mind and the virtues of the heart are the only imperishable, the only inestimable riches which he can leave to his posterity. I believe the American people, said Mr. B., to be the most enlightened upon earth; and I say this, with the full recollection of the ridicule attempted to be cast on the Federal Legislature, some ten years ago, for an imputed design to decree itself the wisest assembly in the world; which, if it had done, I, for one, should have placed the resolve in the chapter of decrees, true in themselves, but unseasonably proclaimed. I repeat the expression of my belief, with the full knowledge of the fact that, within three years past it has been tauntingly demanded, "who, in the four quarters of the globe, reads an American book?" And I know, that this supercilious interrogatory was put by the luminaries of the first city of a kingdom, the populace of whose second city, within that period, yes, within two years past, in open day, in the presence of the magistrates, in defiance of the laws, in masses of tens of thousands, rose upon a poor man, their countryman and fellow townsman, a maker of paints by trade, and demolished his house, destroyed his property, and were proceeding to put himself to death, when the arrival of dragoons and the blows of sabres released the victim; and all this, because this enlightened populace of the second city in the kingdom, had taken it into their illuminated heads to believe that the poor paintmaker compounded his red paints of little children's blood, whom he caught and killed for that purpose! And now, I would ask a question in my turn. I would ask, if there is a village in the most obscure part of the Republic in which even a mob of ten year old boys could have been raised upon such an absurd vile fabrication? But, I will answer the Edinburg question. I will tell these reviewers who it is, in the four quarters of the world, that reads an American book; and I will say that, wherever liberty exists, in whatsoever clime she has a temple and a votary, on whatsoever portion of the earth the hands of freemen are employed in laying the foundations of a new empire, or in repairing the ruins of an old one, whether it is in Europe or in Asia, in North or in South America, there American books are read, and not only read, but they bear away the palm from all that was ever written by the Lockes and Montesquieus of England and France, by the Platos and Solons of Greece and of Rome.

But, whether the objection to the intelligence of the people was well or ill founded in the year 1787, it was at least consistent with the intention of the Constitution at that time. It was the intention of that day that the people should not select the President; that they should limit themselves to the choice of Electors, to whose superior information and discernment the election of the Chief Magistrate should be entirely committed. But this intention has failed in practice. The people now select the candidate for the Presidency, and then choose an Elector pledged to support their choice. An objection to the intelligence of the people would, at this time, be both unfounded in fact, and inconsistent with established practice. The advocate for the objection would find himself in a dilemma, and I am curious to see upon which horn of it he would choose to hang himself in the face of the American people.

Sixth. Danger of tumults and popular commotions. This objection is taken from the history of the ancient republics; from the tumultuary elections of Rome and Greece. But the justness of the example is denied. There is nothing in the laws of physiology which admits a parallel between the vindictive Italian, the volatile Greek, and the phlegmatic American. There is nothing in the state of the respective countries, or in their manner of voting, which makes one an example for the other. The Romans voted in mass, at a single voting place, even when the qualified voters amounted to four millions of persons. They came to the polls armed, and divided into classes, and voted, not by heads, but by centuries. In the Grecian republics all the voters were brought together in one great city, and decided the contest in one great struggle. In such assemblages, both the inducement to violence, and the means of committing it, were prepared by the Government itself. In the United States all this is different. The voters are assembled in small bodies, at innumerable voting places, distributed over a vast extent of country. They come to the polls without arms, without odious distinctions, without any temptation to violence, and with every inducement to harmony. If heated during the day of election, they cool off upon returning to their homes, and resuming their ordinary occupations. A month afterwards, when the result of a Presidential election would be known, the body of the people would be too much occupied with their own concerns, and too sensible to the voice of reason, to think of taking up arms in favor of an unsuccessful candidate. The party, defeated at an election, must fight upon the spot, or never. Sleep and dispersion rapidly cool their belligerent passions. Instead of violence, it is apathy which we have to dread in our Presidential elections. There is too much apathy at this time upon the subject of the impending election. The intemperance of some newspapers, the heat of some cities, and the fury of some partisans furnish, no criterion for estimating the temper of the continent. The tranquillity of the American people is not affected by these local agitations. Some citizens confine themselves to the inquiry: "Who will you give us for President?" The question implying the humiliating fact that an American citizen has no weight in the choice of the first officer of the Republic. Others are quietly looking out for the best man to administer their affairs, and all agree in holding in the uttermost contempt every effort to impose upon their judgment, whether the fraud shall be exhibited in the shape of poisonous detraction, or of fulsome adulation.

But let us admit the truth of the objection. Let us admit that the American people would be as tumultuary at their Presidential elections, as were the citizens of the ancient Republics at the election of their Chief Magistrates. What then? Are we thence to infer the inferiority of the officers thus elected, and the consequent degradation of the countries over which they presided? I answer no. So far from it, that I assert the superiority of these officers over all others ever obtained for the same countries, either by hereditary succession, or the most select mode of election. I affirm those periods of history to be the most glorious in arms, the most renowned in arts, the most celebrated in letters, the most useful in practice, and the most happy in the condition of the people, in which the whole body of the citizens voted direct for the chief officer of their country. Take the history of that Commonwealth which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman State has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians, the sculptors, painters, and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reigns of the seven first Kings?—to the reigns of the Emperors, proclaimed by the prætorian bands?—to the reigns of the Sovereign Pontiffs, chosen by a select body of electors in a conclave of most holy cardinals? No—we look to none of these, but to that short interval of four centuries and a half which lies between the expulsion of the Tarquins and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors, were annually elected by a direct vote of the people, to which we look ourselves, and to which we direct the infant minds of our children, for all the works and monuments of Roman greatness; for roads, bridges, and aqueducts, constructed; for victories gained, nations vanquished, commerce extended, treasure imported, libraries founded, learning encouraged, the arts flourishing, the city embellished, and the Kings of the earth humbly suing to be admitted into the friendship, and taken under the protection of the Roman people. It was of this magnificient period that Cicero spoke, when he proclaimed the people of Rome to be the masters of Kings, and the conquerors and commanders of all the nations of the earth. And, what is wonderful, during the whole period, in a succession of four hundred and fifty annual elections, the people never once preferred a citizen to the consulship who did not carry the prosperity and glory of the Republic to a point beyond that at which he had found it.

It is the same with the Grecian Republics. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of one hundred and fifty years only, the period of popular elections, which intervened between the dispersion of a cloud of petty tyrants and the coming of a great one in the person of Philip, King of Macedon, that we are to look for that galaxy of names which shed so much lustre upon their country, and in which we are to find the first cause of that intense sympathy which now burns in our bosoms at the name of Greece.

These short and brilliant periods exhibit the great triumph of popular elections; often tumultuary, often stained with blood, but always ending gloriously for the country. Then the right of suffrage was enjoyed; the sovereignty of the people was no fiction. Then a sublime spectacle was seen, when the Roman citizen advanced to the polls and proclaimed: "I vote for Cato to be Consul;" the Athenian, "I vote for Aristides to be Archon;" the Theban, "I vote for Pelopidas to be Bœotarch;" the Lacedemonian, "I vote for Leonidas to be first of the Ephori." And why cannot an American citizen do the same? Why may not he go up to the poll and proclaim, "I vote for Thomas Jefferson to be President of the United States?" Why is he compelled to put his vote in the hands of another, and to incur all the hazards of an irresponsible agency, when he himself could immediately give his vote for his own chosen candidate, without the slightest assistance from agents or managers?

But, said Mr. B., I have other objections to these intermediate Electors. They are the peculiar and favorite institution of aristocratic republics, and elective monarchies. I refer the Senate to the late Republics of Venice and Genoa; of France, and her litter; to the kingdom of Poland; the Empire of Germany, and the Pontificate of Rome. On the contrary, a direct vote by the people is the peculiar and favorite institution of democratic republics; as we have just seen in the Governments of Rome, Athens, Thebes, and Sparta; to which may be added the principal cities of the Amphyctionic and Achæan leagues, and the renowned Republic of Carthage when the rival of Rome.

I have now answered the objections which were brought forward in the year '87. I ask for no judgment upon their validity at that day, but I affirm them to be without force or reason in the year 1824. Time and experience have so decided. Yes, time and experience, the only infallible tests of good or bad institutions, have now shown that the continuance of the Electoral system will be both useless and dangerous to the liberties of the people, and that "the only effectual mode of preserving our Government from the corruptions which have undermined the liberty of so many nations, is, to confide the election of our Chief Magistrate to those who are farthest removed from the influence of his patronage;"* that is to say, to the whole body of American citizens!

One other objection yet remains to be named and answered, an objection of recent origin, stated for the first time on this floor, by the Senator from New York, (Mr. VAN BUREN.) In substance it is this, that, by giving the election to the people in districts, the votes for President would be more apt to scatter among various candidates, less apt to concentrate upon one or two; and thereby the chances of an eventual reference to the House of Representatives would be increased.

The analysis of this objection shows it to be an objection purely and simply to the district system, as the votes would be liable to scatter precisely as much in choosing Electors by districts, as in voting for President by districts. In either case the majority would lose the power of impressing the minority; and that they ought to lose it, has, in my opinion, been sufficiently shown in the beginning of this argument. But it is not admitted that the result would be as apprehended by the Senator from New York. In the first place, the candidates for the Presidency, be their number what it may in the first stages of the canvass, will always reduce themselves, or be reduced, by the force of circumstances, to two or three individuals, before the day of election comes round. In the second place, admitting that the votes of one State may scatter, yet the votes of all the others may scatter likewise; and what is lost by a particular candidate in one State may be gained by him in another.

FOURTH.—To continue the umpirage in the House of Representatives, in all cases in which no candidate receives a majority of the whole number of votes.

This is the last proposition, said Mr. B., which I have had the honor to submit to the consideration of the Senate. In taking it up I have to regret that I shall find myself separating in opinion from those from whom I can never divide without a painful apprehension that I am going into error. My sensibility to this unpleasant sensation is increased upon this occasion, because, in dividing from so many whose judgments I reverence, I seem to take the direct road which leads to the interest of my own State. But, notwithstanding the embarrassing effect of this appearance, I will cheerfully throw myself upon the candor of the Senate while I briefly show that the real interest of Missouri, in this question, is directly opposite to what it seems to be.

This infant State is now called small; but she contains all the elements of future greatness. She has sixty thousand square miles of territory, and a soil and climate adapted to the support of the heaviest population. Her mines and salines will give rise to great manufacturing establishments. Her geographical position, in the centre of the valley of the Mississippi, will give her great political weight, and in war her whole force will be disposable, because she, herself, will be inattackable. The wonderful phenomenon of thirty thousand miles of navigable water, uniting in her centre, and flowing, by one channel, to the Gulf of Mexico, will give her commercial advantages unequalled by any other interior part of the globe. On the basis of the ordinary population of old countries, one hundred and fifty to the square mile, she will be able to contain nine millions of souls, equal to the entire white population of the United States at this day. Looking to these facts, and it is clear that the permanent interest of Missouri lies with the powerful, not with the weak States. But, leaving out of view all considerations of this kind; placed on a theatre which is elevated far above the atmosphere of local interests; charged with the sacred duty of legislating for the whole American peple, I claim for myself no more than I freely grant to every member of the Senate, a sincere desire to perpetuate our republican institutions, and to save that union of the States upon which will depend the happiness and prosperity of our descendants, when we ourselves shall be beyond the reach of any earthly government, either good or bad.

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* Report of the Committee of H. R. by Mr. McDuffie.

The amendment reported by the committee proposes to take away from the House of Representatives the eventual right of voting by States for President, and to vest it in both Houses of Congress, voting by heads. The effect of this amendment would be to give the election of President, unconditionally and absolutely, to the powerful States.

I am opposed to the *principle* of this amendment, because it goes to the subversion of the Government under which we live.

The Constitution of '87, reposes upon two principles: one federative, depending upon the States; the other representative, depending upon population. Both are combined throughout the whole frame of the General Government. The most inconsiderable bill cannot become a law of Congress, without submitting to the authority of each of these principles. It must receive the double ratification, once by a majority of people in the House of Representatives, and once by a majority of States in this chamber. The two principles are absolute in their application to every measure of the Federal Legislature; but, in the election of President, the federative principle is contingent, and contingent too upon the will of those who have the inclination and the power to prevent the contingency from ever happening.

Before the adoption of the Constitution, the federative principle alone operated. There was but one House of Congress, each State had but one vote, and the majority of States decided every question.

The Constitution itself, was formed in the same way, in a convention voting by States, and the majority of States deciding every question.

The great difficulty in the convention was, to fix upon the mode in which votes should be counted upon national subjects; the large States wishing that a majority of population should prevail, and the small ones, that a majority of States should govern. The result was a compromise, by which both principles were brought into operation, each as a check upon the other.

The combination was new and happy. No example in any previous confederacy, nor any writer in theory, had furnished the hint. The world is indebted for it to the great men who framed the American Constitution, and, beyond all doubt, it will give a duration to our Government which could not be expected from a simple confederation, voting by States, nor from a consolidated republic deciding every question by the majority of numbers.

But no human institution is perfect, nor are there any two principles upon earth which can precisely balance each other. One must be the weakest, from the beginning; and, in practice, the weak must become weaker, and the strong more powerful, until the absolute mastery of one, and the absolute subserviency of the other, is completely established.

In the plan of our Government, the federative principle is the weak; the representative, the strong one. The federative, rests upon the States, which are few; the representative, upon the people, who are numerous. In time, the most powerful must master the other; and the attack has now begun.

The amendment reported by the committee, is an attack upon this principle, not in its whole extent, but in one point. What is this point? It is called "an election of President by the House of Representatives."

In researches after truth, it is important to use accurate expressions. This phrase is not accurate. The House of Representatives have no power to "elect," a President. They have no elective faculty, no power of choice; they are limited to the humble occupation of preferring one out of three, each of whom may be obnoxious to them. They are nothing but arbitrators, referred to as mutual friends, to settle a question of mutual interest. A reference to the House of Representatives, is clearly a case of a nomination of three candidates by the people, and the acceptance of one by the States; with the important qualification that the people only nominate to the States when they cannot agree among themselves. It is not a case of "election;" but a sort of substitute for the gold and silver balls in the choice of a Doge of Venice.

Before we examine the objections to the main question, we will stop a moment to examine the case of 1800, the example always referred to as the one to be dreaded, and to avoid the repetition of which, is one of the main arguments in favor of amending the Constitution. Now, the fact is, the case of 1800 cannot possibly happen again. It was not for want of a majority that the decision then went to the House of Representatives; for two candidates had each a majority, and that majority was the same; 73 for Mr. Jefferson, and 73 for Mr. Burr. It was not for want of a majority, but for want of designation, that the question went to the House; and this can never happen again, for the Constitution has been amended, and the votes given for President, and Vice President, are now designated in the ballots. The fact of that case can never happen again, nor the excitement which it produced. What was the cause of that excitement; of that indignation and rage which inflamed the country? It was the fact that a man who had not received one vote for President was about to be made President over the man who had received a majority of the people's votes; it was because a candidate, preferred by one party to the second office in the Republic, was taken up by the opposite party, turned upon his old friends, and made the instrument of crushing their success in the moment of enjoyment; it was because the people were to be cheated out of their choice by what they believed to be a fraudulent and treasonable combination against them. If the thirty-six ballotings had been between Mr. Adams and Mr. Jefferson, there would have been no talk of a civil war, no menace of marching troops. Both these gentlemen had been voted for as President; the country was nearly divided between them, and the defeated party would have taken their defeat tranquilly, because it would have been fair. The case of 1800 can never happen again, neither in point of fact, nor in the excitement which it produced, and I protest against it as an argument in favor of altering the Constitution.

Mr. B. then proceeded to the objections brought against the continuance of this power in the House of Representatives. These were of two kinds: one of principle, because it levelled the power of the States; the other of detail, because the House of Representatives is held to be an unfit depository of this principle.

To show the possible operation of this principle, a table has been exhibited in all the newspapers, demonstrating that thirty-one members of Congress, from thirteen of the smallest States, may be able to decide the election. The table is not new. It was exhibited in the Convention of '87, and in the Virginia Convention, which ratified the Constitution; and produced, at that time, a result still more astounding; for, according to these tables, fifteen members, from the seven smallest States, were to effect the election. I refer to these old calculations for the purpose of showing that the evil now so much dreaded is not a new discovery, but was perfectly understood before the adoption of the Constitution; and, though urged in its most imposing form, was not sufficient to prevent its adoption in a single State. It was then considered, as it now must be, as the mere calculation of a possible case which can never happen. So many States, so widely dispersed, (for the table takes in Maine and Louisiana, Delaware and Missouri, Rhode Island and Alabama, and many others equally remote from each other,) so many States, without community of interest or feeling, can never unite in a common object, still less to effect their purpose by the miraculous coincidence of a majority of one in thirteen successive instances; and without this miraculous concurrence of the same majority, the table loses all its imposing effect, and would show thirteen States, having forty-five representatives, and entitled to seventy-one electoral votes, uniting in one object, and deciding the election. Mr. B. said he would exhibit another table to the Senate, which he believed to be new, and not only possible, but probable.

The whole number of electoral votes at present is two hundred and sixty-one; of these, one hundred and thirty-two are given by six States, which choose their Electors either by general ticket or legislative ballot. The same candidate may be taken up by the dominant party in each of these States, and may succeed in each by a bare majority, say a majority of one; he will then have seventy-two voluntary votes, and sixty impressed ones. All the other States may be against him, yet he is elected; elected by six States against the eighteen; by seventy-two votes against one hundred and eighty-nine; by two million eight hundred thousand people against seven million two hundred thousand! Yet this is called an election by the people, an election by the majority, when it is shown that it may be the work of one-fourth part of the States, one-fourth part of the votes, and one-fourth part of the people! But, it may be said, that this is a mere case of possibility, which can never happen. I answer, to the letter it is not expected to happen, but, in effect, it not only can happen, but is extremely probable. The six States referred to are proximate to each other, and can easily combine. They may differ about the individual they would prefer for President, but they are all united in one wish, one design, one interest, in keeping the decision from the States in the House of Representatives. They all have the same horror at the idea of seeing themselves balanced on a final vote by the single representative from Illinois, Delaware, Mississippi, and Missouri; and there is no knowing to what compromises this community of feeling, and this joint horror, may lead. Certainly, while the Electors continue to be chosen by general ticket and legislative ballot, it is a farce to talk about the will of the people; and with every disposition to treat the subject candidly, I think the majority of the people have about as good a chance for succeeding in the House of Representatives, as they have in a vote by Electors thus chosen.

I have said that the principle of the amendment reported by the committee, goes to the subversion of the Government under which we live. That principle is, that the majority of the people ought to govern. Certainly this is correct in a consolidated Republic; but apply it to the equal representation of the States in the Senate Chamber. There are twenty-six Senators from thirteen States, containing a population of two millions; that is, a majority of Senators representing one-fifth of the population! Apply it to the ratification of treaties. Eighteen Senators from nine States, containing a population of one million of inhabitants, may prevent the ratification of a treaty supported by thirty Senators, representing nine millions of people! Apply it to the mode of amending the Constitution, which requires a concurrence of three-fourths, and the result may show you fourteen Senators from seven States, containing six hundred and forty thousand souls, preventing the adoption of an amendment against the vote of thirty-four Senators representing nine and a half millions of people! But, it will be said, there is no danger of any attack upon the Senate. I answer, that thirty years ago there was no visible danger of any attack upon the rights of the States in the eventual vote for President, and twenty years hence the class of small States, now so much the most numerous, will become the smallest number. At present we count eighteen small and six great States, but in this count the estimate turns upon population, which is constantly varying, and not upon the size of the States, which is fixed and permanent. All the Western States now in existence, will be of the largest class. Those to be created will also be of the largest size. They will wish it, to gratify their pride, and it will be granted them, to lessen their relative weight in the Senate. Five new States of the largest class, must be admitted within some years: Florida 48,000 square miles, Arkansas 60,-

000, and three more in the Northwest Territory, between the State of Illinois and Lake Superior, averaging 50,000 square miles each. The relative proportions of great and small States will then be reversed, and a proposition which cannot be defended by any one now, will then be as popular as is the present attack upon the eventual right of the States to decide a Presidential election.

Gentlemen say there is no danger of any attack upon the equal representation of the States in the Senate. But I ask if there are no "private griefs" even now upon this subject? The Holy Scriptures tell us, that out of the fulness of the heart the mouth speaketh; and hath not the mouth spoken, and the heart betrayed its fulness upon this very subject, within a few short days past?

[Here Mr. BENTON read the following extract from Mr. VAN BUREN's speech in the Senate, December 29th.]

"The great Departments of the Government were, the Legislative, Executive, and Judicial. The latter is organized by the two former, and the influence of the respective States, in its organization, is of course the same as it is in the other two. In the choice of the Executive, and in the popular branch of the Legislature, each State has a representation proportioned to its representative numbers, with this exception, that, in the choice of the Executive, an addition of two votes was given to each State, without regard to its numbers, or the amount of its contribution to the public Treasury. But in this branch of the Legislature the case is widely different. Here, in consequence of the peculiarity of our condition, at the time of the adoption of the Constitution, the equitable principle of representation, founded on population and contribution, has been entirely disregarded. Here each State, on the score of its sovereign character, has equal weight; and what, he asked, was the relative importance of this branch in the Government? He would not say it was that by which all the efficient power of the Government was controlled, but he would say, that but a slight consideration of the Constitution was necessary to show that this branch did so more than any other. With the single exception of originating revenue bills, its legislative powers were coextensive with the popular branch. No law could pass without the assent of the Senate. Almost all the important proceedings of the Executive are subject to its revision. All appointments require its approbation, unless its assent is first obtained to a law providing a different mode. The consent of two-thirds of this body is necessary to the validity of all treaties; and it has the sole power to try impeachments of all the high officers of the Government, as well Executive as Judicial. In a branch of the Government possessing such extensive powers, the small but patriotic State of Illinois, with a population of fifty-five thousand, has a representation equal to that of Pennsylvania, with a population of one million and fifty thousand. The five largest States in the Confederacy, viz: Ohio, Pennsylvania, Virginia, North Carolina, and New York, with a population of four millions eight hundred thousand, have a representation but equal to the five smallest States, with a population of three hundred and fifty-three thousand. Nearly one-half the nation, residing in the five largest States, has a representation but equal to the one twenty-seventh part residing in the five smallest States. About one-half the whole people, residing in five States, are represented here by ten voices, whilst the other half are represented by thirty-four voices. The disproportion of the relative influence of the several States, having reference to their population as a just basis of representation, cannot fail to strike every mind. The same inequality existed at the adoption of the Constitution, but in a much less degree. Then, taking an average of the population of the States, and considering those as small who do not come up to it, the large States were in a majority; now, by the admission of new States, with assent of the old, they are in a minority. There were, at that period, eight large and five small States. Now, by the same criterion, there would be found to be but ten large and fourteen small States. Still this was all right; it was according to the compact into which all the States had voluntarily entered; and he fervently hoped, for the peace and happiness of the people of these States, that the day might be far distant, when even a desire should be entertained to alter it."

[Mr. B. also read the following extracts from Mr. McDUFFIE's speech in the House of Representatives, January 16th.]

"Now, said Mr. McDUFFIE, there is no political principle more undeniable than that the deliberate opinion and settled conviction of a majority of the people, (in a government recognising in them the right and the capacity of self-government,) ought to prevail over the will of the minority, even in relation to the Constitution. Why, then, it may be asked, does that instrument require, for an amendment, the concurrence of more than a majority? I answer for the very wisest of purposes; but not surely to give the permanent ascendency to the opinion of the minority. This requirement was intended for no other purpose, than to prevent hasty and inconsiderate changes, and to give time for reflection and deliberation. But when the sense of a decided majority of the community is permanently and unalterably settled down in favor of any amendment, the end of this provision is answered, and the minority ought to yield. I will not say that they have not the Constitutional right, as well as power, to oppose the will of the majority; but I contend that it is their moral duty, as well as their undoubted interest, to yield, under such circumstances."

"The small States are the favorites of the Constitution, and, even under the proposed amendment, would be eminently so. A very slight examination will make this apparent. There are seven States in the Union which, together, contain a population smaller than that of North Carolina. What is their relative power? They have fourteen votes in the Senate, a co-ordinate branch of the Legislature, while North Carolina has but two! This, too, is a power of which they can never be deprived. And yet we are told that the small States are in danger of oppression!"

"The seven States to which I have alluded, are entitled to twenty-six electoral votes, while North Carolina, with a larger population, is entitled to fifteen only. States having but a single Representative are entitled to three Electors for a population of forty thousand, whereas the large States are entitled to but little more than one Elector for the same population."

Mr. B. did not read these extracts for the purpose of arguing against them. He read them as a solemn warning to the small States, as proof that all their rights were in danger, their equal representation upon this floor, and their existence in the Constitution itself, which, it is openly contended, ought to be amended by a bare majority of population, without any regard to the sovereignty of the States which composed it. Let it not be said that the Constitution will protect the rights of the small States. The Constitution itself may be amended, not at this moment, while the small States are the majority, but some twenty or thirty years hence, when there shall be eighteen or twenty large States, and no more than eight or ten small ones. The knowledge of this ultimate and approaching danger should warn the small States, at this moment, to stand together, and to resist this attack upon their rights. They have already lost one half of the privilege secured to them by the Constitution of 1787. By the Constitution of that day the States in the House of Representatives had the privilege of choosing a President from the five highest on the list of candidates; by the amendment of 1803, they are reduced to a choice out of three. The range of selection is narrowed one half by this first amendment, and now, by a second amendment, it is proposed to take away the right altogether. It is thus that the federative principle, the weak principle of our Government, is sinking under the attacks of the representative principle, by which it must eventually be overpowered and destroyed.

The amendment reported by the committee reposes upon a false principle. It is made to depend upon the present unequal population of the States; and the argument in support of it is, that it is unjust that Missouri, Illinois, Mississippi, Alabama, Louisiana, and Indiana, should have as much weight as New York, Pennsylvania, Virginia, Ohio, North Carolina, and Massachusetts, in the decision of the Presidential election. Now, the six States objected to, as small, contain 300,000 square miles, while the six referred to, as large, contain but 245,000. The first six, upon every principle of relative power, will be the most powerful in the lapse of some years. They have the greatest number of square miles; they are capable of sustaining the heaviest population; they are interior States, and their whole force will be disposable in time of war. Admitting them to be correctly classed among small States, at present, on account of their population, yet this classification is temporary, and is altering itself every day, and it is false policy to alter a permanent instrument, the Constitution of the Republic, for a temporary evil, which will correct itself in the course of a few years.

The amendment of the committee turns upon a false principle, again, in assuming, as probable, what has not yet happened under the Constitution, and, in all probability, will not happen for an age to come. It turns upon the probability of carrying the Presidential election to the House of Representatives, for want of a majority of votes in favor of any one candidate. This is a contingency which has not yet happened. The case of Burr and Jefferson, so constantly quoted, is not a case in point. It was not for want of a majority that these gentlemen appeared before the House of Representatives, but for want of discrimination, and that is now provided against by the amendment to the Constitution, which requires the Electors to vote separately for President and Vice President. The Constitution has been in force thirty-six years; nine elections have taken place; a majority of electoral votes has always been given to some one candidate; and, in the case of Jefferson and Burr, a majority was given to two candidates. No election has gone to the House of Representatives for want of a majority, and it now depends upon the act of those States, half a dozen in number, which have the *will* and the *power* to prevent it, whether the pending election, or any future one, shall go there for that cause; and, when we look to the increased sensibilities of these States upon this point, the prospect of such an occurrence becomes a most remote and improbable contingency.

Mr. B. was opposed to the committee's amendment, because it went to unsettle one of the compromises upon which the Constitution reposes. He quoted a part of Mr. Madison's speech in the Virginia Convention, to prove the right in question to have been a compromise between the great and small States:

> "As to the eventual voting (for President) by States," said Mr. Madison, "it has my approbation. The lesser States, and some larger ones, will be pleased by that mode. The deputies from the small States argued, and there was some force in their reasoning, that, when the people voted, the large States evidently had the advantage, and, without varying the mode, the interest of the small States might be neglected or sacrificed. Here is a compromise."

Everybody knows that, without compromise, the Constitution of 1787 could not have been framed; and it is a fair inference that, unless these compromises are preserved inviolate, the Constitution must perish. It was a compromise between the slave-holding and non-slave-holding States to admit a qualified representation of the black population; it was a compromise between the large and small States which produced an equality of representation in the Senate; and it was a compromise between the same large and small States which gave the election of President, in the first trial, to the people; and, if they failed to make a choice, then referred to the States. Destroy either of these compromises, and one of the pillars is taken away which now supports the edifice of the Constitution.

I know that it is the fashion to cry down the House of Representatives, but there are positive advantages in referring the election, upon the second trial, to that House. In the first place, it is necessary to the safety and respectability of the small States that they should stand for something in the Presidential election. In a mere vote of numbers, they are lost. No President, or candidate for the Presidency, would court their good will, even by doing them justice. Their most meritorious citizens would apply in vain for the humblest appointment. All the Executive favors would flow into the great States in reward of past services, or to induce new exertions. In the second place, it imposes a salutary restraint upon the ambition and violence of the great States. The House of Representatives stands before them *in terrorem.* They are constantly admonished to act with moderation, good faith, and harmony, by the danger of seeing the election slip out of their hands. It compels the Electors, also, to vote in good faith. They are to have but one trial. There is no room for experimental voting; no room for combinations; no room for false runnings upon different candidates. It deranges any scheme of corruption, by changing both the Electors and the mode of voting. It conforms to the will of the people; for the Representatives in Congress are now chosen with an eye to their contingent faculty of Electors of President; and care is taken to elect those only who will obey the wishes of their constituents. In addition to all these reasons, the House of Representatives is a safer depository of the elective privilege than any other body of equal numbers which either exists at this time or can be created under the Constitution of the United States. Who composes the House of Representatives? Aged men, and men in the meridian of life, who have filled the first offices in their own States, or under the General Government, whose integrity has been tested by a long course of public service and of devotion to the people's interest; young men, appearing above the political horizon, their bosoms filled with noble aspiration, looking forward to the first honors of their country, and looked to by their country as the future leaders of the Republic. If it is said that there may be some bad material in the House, I will ask for the body of equal numbers in which there is so little. And I will maintain that the House of Representatives has ever been, now is, and while the Republic lives it must continue to be, for talent, for integrity, and for elevation of character, the first body of men of equal numbers which either exists in our own or in any other country in the world. To my mind, therefore, there is no place more safe for depositing the right of the States to decide the Presidential election, than this House is. Still this is a detail. The great principle for which I contend is, that, after one trial by the people, the next shall be by the States. The States may have the benefit of this principle in more ways than one.

Some gentlemen are in favor of remanding the election to the Electoral Colleges. Much as I am opposed to that mode of proceeding, my objections would be half diminished, if, in this second trial, the Electors were required to vote by States—the Electors of each State giving one vote. Still I would prefer the House of Representatives, for the reasons already mentioned, and for another which had great weight with the framers of our Constitution. It is already seen, by looking to the powers of the Senate, and to the powers of the House of Representatives, how much the former exceed the latter. The Senate have all powers which belong to the House, except the faculty of originating money bills, and of preferring impeachments; but, even in these exceptions, the power of the Senate is still predominant; for the money bill cannot raise a dollar, nor the impeachment remove one delinquent from office, without the consent of the Senate.

Besides a concurrent power in legislation, the Senate is clothed with the extraordinary powers which in monarchies belong to the King, or to an hereditary body of nobles. In its power over the ratification of treaties, it controls the legislation of the whole Union. It controls the President, in his strong arm, in his power of appointment to office. It presides in some degree over the administration of justice, in its power of appointment and removal of the federal judges. It is the judge of the President himself—can try him for an imputed misdemeanor, and pronounce the forfeiture of his office. To this accumulation of powers is superadded a duration in office longer than is enjoyed by any other officer of the State or National Governments. The framers of the Constitution foresaw that, in the presence of a body thus constituted, the House of Representatives—the popular branch of the Legislature, and the peculiar depository of the republican principle—would be in danger of dwindling into comparative insignificance, unless armed with some prerogative peculiar to itself. Hence was conferred upon it the right to originate revenue bills, to institute impeachments, and to act as umpire, in the last resort, between the leading candidates for the Presidential Chair.

Mr. B. confirmed this view by reading a part of the sixty-seventh number of the Federalist, in which it is stated expressly, that as a counterpoise to the extraordinary powers of the Senate, and to secure the equilibrium of the House of Representatives, the three prerogatives enumerated were conferred upon it, and the last particularly relied upon:

> "The House of Representatives will be the umpire in all elections of the President which do not unite the suffrages of a majority of the whole number of Electors—a case which it cannot be doubted will sometimes, if not frequently, happen. The constant possibility of the thing must be a fruitful source of influence to that body. The more it is contemplated, the more important will appear this ultimate, this contingent power, of deciding the competitions of the most illustrious citizens of the Union for the first office in it. It would not perhaps be rash to predict that, as a mean of influence, it will be found to outweigh all the peculiar attributes of the Senate."

Upon this exposition, Mr. B. submitted it to the Senate to say whether it was not highly objectionable to strip the House of Representatives of a power given to it as a counterpoise to the Senate, and particularly so for the Senate itself to commence this work of spoliation?

It has been seen that every argument that can be urged in favor of taking from the small States their eventual chance to act a part in the Presidential election, may be carried forward and urged with greater force in favor of depriving them of their equal representation in the Senate. Let it be supposed, then, that the present attempt has succeeded; what next? Why, an open attack upon the constitution of the Senate. Speakers of portentous ability, like the Senator from New York, (Mr. VAN BUREN,) and the Representative from South Carolina, (Mr. MCDUFFIE,) whose sentiments have been already quoted, will display the enormity of the principle which gives to the eighty thousand inhabitants of Rhode Island as many Senators as belong to the million and a half of New York. Hundreds of presses, and a thousand subaltern orators will repeat, that, in a Republic, the majority ought to govern. All the powerful States will adopt this principle, and eventually the representation of the Senate will be bottomed upon population and not upon States. What, then, will be the condition of the Republic? Consolidation! It is in vain to say that the States will still have their territorial limits, their Governors, and local Legislatures. Russia, and even Turkey, have their provinces, their governors, and provincial governments. Our Federal Government will be changed from a federation of States, into a Republic "one and indivisible," in which the majority of numbers will decide every question. The two Houses of Congress, like the council of five hundred, and the council of two hundred and fifty, will rest upon numbers, and the Representatives from the most populous sections of the Union, being a majority in both Houses, will decide all questions to suit the interest of their own section. Could the United States stand this? All the books answer, no. The framers of the Constitution said, no. The experience of thirty-six years answers, no. The Missouri question gives the same answer. And what would be the result if the tariff, now depending, could be regulated by either of the three great interests of agriculture, commerce, or manufactures? We all profess an abhorrence of consolidation, but we disagree in the definition. In my opinion the consolidation of our Federal Government would be complete when a majority of numbers shall govern in both branches of the Legislature. The powerful States, the populous sections, the predominating interests, would then prevail; the weak States, the less populous divisions, the inferior interests, would be sacrificed. In opposing this state of things, I am not pleading for myself, for my own State; nor for the section from which I come. I belong to the Valley of the Mississippi, great in extent, indivisible in policy, capable of sustaining an hundred millions of people. Sectionally I have nothing to fear from a consolidation of the federal power; as a lover of the Union, I fear every thing. I fear for the small States, and, in their fate, for the Union itself. Not for the small States of the West, for they will be great; but for the small States of the Atlantic board, part of the old thirteen, to whose heroic efforts in the war of the Revolution—to whose confiding spirit in the Convention of 1787, we are indebted for the privilege of sitting, this day, in consultation upon their rights. Which are these small States? They are Massachusetts, with 8,000 square miles; New Hampshire, 10,000; Vermont, 10,000; Rhode Island, 1,360; Connecticut, 4,600; New Jersey, 7,000; Delaware, 2,000; Maryland, 11,000; Maine, 30,000; South Carolina, 30,000. Let not these two last object to this classification. They have but half the superficial content of the States of the first magnitude. They are border States, and will have no disposable force in time of war. In spite of their noble spirit, their intellectual and moral worth, they are condemned by the inexorable voice of their boundary lines, to take their permanent place in the class of the small States. These are the States which are to suffer by yielding the election of President to the populous States, by giving to all the States a representation according to population in the Senate; in fine, by carrying into effect the principle that, in the Federal Government, the majority of numbers shall decide every question. Under the operation of that principle, the confederation of the States would degenerate into an alliance between the weak and the strong, without any check in favor of the weak; a sort of alliance which, in all ages, and in all countries, has been nothing but the realities of the fabled alliance between the giant and the dwarf. Look to the Amphyctionic league, composed of thirty members, yet only three known to history: Thebes, Sparta, and Athens, each predominating by turns, and governing and chastising the weaker cities as they pleased. The Germanic confederation, consisting of three hundred members, yet the whole power usurped by nine Electors; the small States summoned before the Imperial Diet, placed under the ban of the empire, and their territories given up to pillage and military occupation. The seven United Provinces, in which the province of Holland alone decided upon peace and war, loans and taxes, and dragooned the inferior provinces into acquiescence. The Swiss confederacy, the large cantons making war upon the small ones on account of their religion, and calling in the Dukes of Savoy to assist in the chastisement. The framers of the Constitution had these examples before their eyes, and we have had another, a real history of the giant and the dwarfs; the Confederation of the Rhine, in which the petty princes of Germany, uniting with Napoleon the Great, to get their heads broken in every corner of Europe, and to see their Lilliputian territories ravaged by strange men from the confines of Asia. The principle that the majority ought to govern, so correct when applied to the government of the respective States, is false and ruinous when applied to the Federal Government of the United States. The Union could not have been formed on that principle, nor could it now exist under it if introduced. The federative principle yielded all that can be yielded, in the Convention of 1787. To attack that principle now, is, in my opinion, to attack the existence of the small States, and the continuance of the Union. For one, I should deem it my sacred duty to resist these attacks in any situation, but more especially in this chamber, instituted for the express purpose of preserving to the small States the remnants of sovereignty which were left to them by the Convention of 1787.

The peculiar faculty of the American Senate is conservative. It is formed upon the principle of the Roman Tribunate, to preserve, not Plebians against Patricians, but the weak against the powerful States. Yes, Senators, you are the Tribunates of the States; you are the barrier between the weak—the adamantine wall, behind which the most feeble States shall repose in safety, before which the most powerful shall beat in vain. And will you act contrary to the principle of your institution? Will you begin with surrendering that which you are created to defend? Will you set the example of destroying that which you were instituted to preserve? Will you subtract from the strength of the weak, and add to the power of the powerful; and this too, in the face of the fact, that these powerful States refused to adopt the district system because it will lessen their capacity to dominate over their feeble neighbors? I trust that the Senate will not act thus; and I think that the great States ought not to ask it. They should remember that this Constitution was formed by *States*, each giving *one* vote; that a Congress of *States* was then in existence, under the Articles of Confederation, deciding every question by *States*, each giving *one* vote. They should consider how much was surrendered by the small States, when they voluntarily relinquished this condition of equality, and submitted to have all their rights and interests controlled by the superior population of the great States in the House of Representatives, and to have the National Executive subject to be elected by the same population, and often as half a dozen powerful States could agree among themselves. In addition to these sacrifices upon the altar of compromise, they should consider how much more has been taken by the natural tendency of the strong to encroach upon the weak; and they should ask themselves if it is right to unsettle the compromises of the year 1787—to attack the privileges then left to the small States—to assert a principle which goes to the subversion of the Federal Government—and to promote that system of consolidation which is wrapped up in the doctrine of giving the power of the Federal Government to those sections of the Union which have the majority of population? I can well conceive that it would be mortifying to Virginia, New York, and Pennsylvania, to see themselves balanced on a final vote for President, by Missouri, Illinois, and Mississippi; but they should reflect that the sting of their mortification would be transitory, while the benefit of the Constitution is permanent. Missouri, Illinois, and Mississippi, and I may add Indiana, Alabama, and Louisiana, are rapidly advancing to the point when it will be no disparagement to the greatest States to admit their equality. In the mean time it would be impertinent in me, a Senator from the youngest State in the Union, to offer advice to those which are old and powerful; but it may be useful to remind them of the counsel given to them by the most eminent of their own citizens, at a time when the good will of the small States was of more account than it seems to be at present:

"A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation of America. A government founded on principles more consonant to the wishes of the larger States is not likely to be obtained from the smaller States. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be, to embrace the lesser evil, and instead of indulging a fruitless anticipation of the possible evils which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice."—*Federalist, No.* 62.

Mr. B. concluded with an expression of his extreme gratitude for the indulgent attention with which he had been heard by the Senate. He would not trespass longer upon their patience by delivering any thing in the form of recapitulation. He limited himself to saying, that, until the contrary should be shown, he held the four propositions, with which he sat out, to be completely established.

When Mr. BENTON had concluded—

On motion of Mr. EATON, the further consideration of the resolution was postponed till Monday next.

WEDNESDAY, February 4.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to whom was referred the petition of George Sutton, and others, reported a bill in further addition to "An act to establish an uniform rule of Naturalization;" and the bill was read, and passed to the second reading.

Mr. EATON presented the petition of William Venable and wife, and Jonathan Morgan and Jane his wife, and daughter of said Venable, stating, that one Peter Woolsey, who had been a private in the Army, during the late war, and now deceased, bequeathed to the wife of William Venable the military bounty land to which he was entitled, and to the wife of Jonathan Morgan the arrears of pay and pension due to him at the time of his decease, and which they cannot receive unless by the authority of Congress; and praying relief. The petition was read, and referred to the Committee on Public Lands.

Mr. LLOYD, of Maryland, presented the memorial and remonstrance of Mark Butts, and others, citizens of Alexandria, in the District of Columbia, praying that no law may be enacted vesting in the Common Council of Alexandria the power of appointing flour and tobacco inspectors, or of regulating the inspection of flour or tobacco; which was read, and referred to the Committee on the District of Columbia.

Mr. FINDLAY presented the memorial of Thomas Stevenson, and others, tallow-chandlers and soap-boilers, of the city of Philadelphia, praying that no additional duty may be laid on imported tallow; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. LLOYD, of Maryland, presented the petition of Hezekiah Langley, praying the payment of his account for his materials and labor in fitting up a room in the City Hall for the accommodation of the circuit court of the District of Columbia, in the county of Washington; which was read, and referred to the Committee on the District of Columbia.

Mr. JOHNSON, of Louisiana, presented the petition of Charles Olivier Devezin, praying to be confirmed in his title to a tract of land in Louisiana; which was read, and referred to the Committee on Public Lands.

Mr. BARTON, from the Committee on Public Lands, to whom the subject was referred, by a resolution of the Senate, of the 27th ultimo, reported a bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district; and the bill was read, and passed to a second reading.

The PRESIDENT communicated a report from the Secretary of War, transmitting statements, showing the contracts made by the Department of War in the year 1823; which was read.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was postponed to and made the order of the day for Monday next.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Public Lands to inquire into the expediency of making further provision, by law, to prevent frauds in surveying the public lands; and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Public Lands on the petition of Andrew Henshaw; and it was further postponed until to-morrow.

The bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, was read the second time.

FLORIDA LAND CLAIMS.

The bill, from the House of Representatives, to extend the time for the settlement of private land claims in the Territory of Florida, with the amendment thereto, proposed by the Committee on Public Lands, in the Senate, was taken up as in Committee of the Whole, Mr. MACON in the chair.

This bill proposes to extend, to the first of January next, the time to which the commissioners, appointed under the act of Congress for ascertaining claims and titles to lands in the Territory of Florida, were limited in the reception of the evidence of such claims. The amendment proposed by the Committee on Public Lands merely defines the kind of evidence of title to be received; the compensation to the secretary of the commissioners, and some other details. A debate arose on the subject, in which Messrs. EATON, CHANDLER, LLOYD, of Maryland; LOWRIE, LLOYD, of Massachusetts, MILLS, FINDLAY, SMITH, BARTON, and BELL, took part.

A motion to postpone the subject, indefinitely, made by Mr. CHANDLER, was lost, as was also a motion, by Mr. LLOYD, of Maryland, to amend the bill so as to reduce the jurisdiction of the commissioners from claims of three thousand five hundred acres, to those which comprise only one thousand acres.

On motion of Mr. FINDLAY, the section which requires the secretaries of the Board of Commissioners, who have received salaries, to refund any fees which they may have received from claimants, for making record of their claims, was stricken out. The bill was then reported to the Senate, with the amendments.

Mr. LLOYD, of Maryland, moved to restore the section which was stricken out, on motion of Mr. FINDLAY, in Committee of the Whole, which was agreed to; and the bill, as amended, passed to a third reading.

THURSDAY, February 5.

The amendments to the bill from the House of Representatives, entitled "An act to extend the time limited for the settlement of private land claims, in the Territory of Florida," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed.

Mr. JOHNSON, of Louisiana, called up the petition of Daniel Brown, presented at the last session, praying the equitable settlement of his accounts; and it was referred to the Committee of Claims.

Mr. LLOYD, of Massachusetts, presented the memorial of William Bartlett, and others, of Newburyport, praying indemnification for depredations committed on their commerce by the private and public armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the memorial of Peter Hill and others, of Ebenezer Ferguson and others, and of Joseph Bishop and others, of the city and county of Philadelphia, severally praying that the tariff may be so modified, as to afford that protection to manufactures which is extended to commerce. The memorials were read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon.

Mr. HAYNE presented the petition of the Chamber of Commerce of the city of Charleston, South Carolina, praying the establishment of an uniform system of bankruptcy throughout the United States; which was read, and referred to the Committee on the Judiciary.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the further consideration of the petition of Elizabeth McFarland, and she had leave to withdraw her petition and papers.

The bill in further addition to "An act to establish an uniform rule of naturalization;" and the bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims, within the said district, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Public Lands, unfavorable to the petition of Andrew Henshaw. This petitioner claims of the Government $930 82, for surveying performed by him as deputy under a surveyor of the United States lands south of Tennessee. He had, according to custom, given to the surveyor his receipt for this amount, (without, in fact, receiving the money,) in order that the papers might be forwarded to the General Land Office. In the meanwhile, the surveyor died, and, at the time of his decease, was in arrears to the Government. The deputy surveyor now prays that he may be paid for his services. The report was opposed by Messrs. KING of Alabama, and KELLY, and supported by Messrs. EATON and BARTON. A motion, by Mr. KING, to reverse the report, was lost; the report of the committee was agreed to; and, on motion of Mr. KING, the petitioner had leave to withdraw his papers.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration, which was read:

Resolved, That the Secretary of the Senate pay to the widow of Samuel Turner, jr., deceased, late principal clerk in his office, the sum of ——, dollars, out of the contingent fund, for the purpose of defraying the expenses of his funeral.

The resolution passed to a second reading.

PENNSYLVANIA RESOLUTIONS—TARIFF.

Mr. FINDLAY communicated the following preamble and resolutions from the Legislature of the State of Pennsylvania, viz:

"To provide for the common defence, and promote the general welfare of the people of the United States, are the great objects for which the Government of the Union is instituted. Among the diversified measures adopted by Congress, in the prosecution of these objects, the present tariff was established, with a partial view to encourage and protect national industry, the principal source of public wealth. But, in the progress of events, experience has fully demonstrated the inadequacy of the present rate of imposts to protect domestic manufactures against a foreign competition, enjoying the advantages of capital and experience, matured skill, and the artificial encouragements of premiums and bounties; and that, without additional protection from the General Government, the country must continue indebted to foreign supply, for even many articles of manufacture immediately connected with the defence and independence of the nation. Believing it to be the duty of the General Government to cherish and foster internal industry, as the means of promoting the general welfare; that it would be wise policy in Congress to countervail, by protecting duties, the political regulations of foreign Governments which operate injuriously on the commercial and agricultural interests of the country; and that it is the interest of the United States, under existing circumstances, to become independent of foreign Powers for every national and domestic purpose; and earnestly impressed with the conviction that, not only the wealth, but the independence and security of the country are materially connected with the prosperity of manufactures, and that the establishment of them, by the adoption of a sound tariff, would increase the general stock of useful and productive labor, secure a steady and more extensive domestic market for the surplus produce of the soil, and improve the state, and advance the interests of agriculture, thereby promoting the general prosperity of the nation, and strengthening the bond of union by the ties of mutual interest and dependence: Therefore,

"*Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the Senators of this State in the Senate of the United States be, and they are hereby, instructed, and the Representatives of this State in Congress be, and they are hereby, requested, to exert their influence, in establishing a tariff for the protection of our domestic manufactures and agricultural interests.

"*Be it further resolved*, That the Governor be, and he is hereby, requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress."

The preamble and resolutions were read, and ordered to lie on the table.

INDIANA RESOLUTIONS—ROAD.

Mr. NOBLE communicated the following preamble and resolutions from the Legislature of Indiana, viz:

"Whereas the construction of the National road from Wheeling to the river Mississippi, and the completion of the same, would greatly tend to the union of the States, and would also be of great and lasting benefit to this State, and to the several States through which the same is intended to run; and whereas we believe, that the completion of said road would enhance the value of the lands owned by the General Government in the Western States, and would add to the importance of those States, and form the best and brightest link in the chain which binds us together: Wherefore,

"*Be it resolved by the General Assembly of the State of Indiana*, That the completion of the National road, from Wheeling to the Mississippi river, is a work of great and general importance to the Union, and to the Western States.

"*Resolved*, That our Representatives in Congress be requested, and our Senators instructed, to use their exertions to effect the completion of said road, by obtaining from Congress a donation of land, or appropriation of money, for that purpose: and that his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolutions to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

The preamble and resolutions were read, and referred to the select Committee on Roads and Canals.

MILITARY ROAD.

On motion of Mr. JACKSON, the Senate, as in Committee of the Whole, Mr. RUGGLES in the Chair, took up for consideration the bill to authorize the making of a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans.

Mr. JACKSON said that, as it was objected to this bill, when it was before under discussion, that it involved the question of the Constitutional power of Congress to make roads, he was, therefore, about to propose an amendment which would obviate the objection. He believed that the right of Congress to make roads upon its own lands, for military purposes, could hardly be doubted. It was as evident as the right of any individual to dispose of his property for his own purposes. Mr. J. then submitted an amendment, proposing to limit the road to Johnson's plantation, instead of extending it to the English Turn; thus confining it to the lands owned by the United States.

The bill was then, on motion of Mr. Holmes of Maine, postponed, and made the order of the day for to-morrow.

OFFICERS OF CONGRESS.

On motion of Mr. Seymour, the bill reported by the Committee on the Contingent Fund of the Senate, as an amendment to that introduced by Mr. Eaton, to revive and continue in force an act fixing the compensation of the officers of the Senate and House of Representatives, was taken up in Committee of the Whole. The amendment proposes that the Clerks in the office of the Secretary of the Senate shall be appointed in such manner as the Senate may, from time to time, prescribe; instead of vesting the appointment, by law, as it has been, in the hands of the Secretary. After a long discussion, on this point, by Messrs. Seymour, Hayne, Lowrie, Johnson of Kentucky, Holmes of Maine, Lanman, Mills, Chandler, Parrott, Brown of Ohio, and Lloyd of Massachusetts, this part of the amendment was rejected.

In the course of the remarks made by Mr. Lowrie, he took occasion to express himself in terms of high commendation in regard to the present clerks in the Secretary's office. He had very frequently had occasion to call upon them, for the examination of the journals and documents appertaining to their office, and he had as frequently witnessed the assiduity and propriety with which their duties were performed.

After some further remarks by Mr. Eaton, the bill, as amended, was reported to the Senate, and ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the bill to authorize the building of an additional number of sloops of war for the naval service of the United States, together with the amendments proposed thereto; Mr. Ruggles, in the Chair; and, on motion, the Senate adjourned.

Friday, February 6.

Mr. Lloyd, of Maryland, from the Committee on the District of Columbia, to whom was referred the memorial of the President and Directors of the Washington and Alexandria Turnpike Company, reported a bill to amend an act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia;" which was read, and passed to a second reading.

The resolution submitted yesterday, by Mr. Lloyd, of Maryland, directing the Secretary of the Senate to pay the funeral expenses of Mr. Samuel Turner, jr., the late principal clerk in the Secretary's office, was read the second time. Mr. L. stated, that it had been the usual practice of both Houses of Congress to pay the expenses attending the interment of their officers. He moved to fill the blank in the resolution with "one hundred dollars;" which was agreed to, and the resolution passed to be engrossed and read the third time.

ADDITIONAL SLOOPS OF WAR.

The Senate then resumed the consideration of the bill to authorize the building of ten additional sloops of war. The question was stated to be, upon filling the blank for the appropriation, with "$425,000, annually, for two years."

Mr. Barbour rose in support of the bill. He believed the Senate could not, at present, feel any listlessness in regard to the Navy of the country. There had formerly been a difference of opinion on the subject of the United States becoming a maritime Power; and Mr. B. said he did justice to the honorable member from Maryland (Mr. Smith) for the firmness he had always evinced, in his uniform support of the Navy, although that course had, at one time, separated him from the party with which he was accustomed to act. But it was due to those who had formerly differed in opinion from that honorable gentleman, to say, that experience had not then proved the necessity of a naval force; that, upon recurring to the history of other nations, particularly of that nation with whom we were then, unhappily, involved in difficulties, it was then hardly to be hoped that any effort of ours would be sufficient to enable us to make any stand, among the nations of the earth, as a naval Power; and it was firmly believed, by those who then opposed the progress of our Navy, that we should only build vessels to be captured. But, in the progress of time, the war came on; it furnished a trial of our capacity, as a maritime Power; and the decision has been such as to produce an uniform opinion, in the nation, that it is the duty of the Government to cherish this important means of our defence. In the brilliancy and the glory of its exploits, the Navy had far exceeded the utmost anticipation of its friends, and certainly it had surpassed the expectations of its opponents. While it had been thought that the land alone would be the theatre of our victories, it became sometimes the scene of our defeat, and even of our disgrace. And, where it was expected that we should meet with nothing but disaster, there the national character had been elevated. It was ascertained, in that war, that our Navy would furnish us with the greatest means of annoyance against an enemy, and that it would carry an impression of our power more than any other force we could furnish, and consequently the feeling towards it had been changed. Attachment to the Navy was now, Mr. B. said, confined to no particular part of the country—it was universal. Immediately after the war, at a moment when the nation was laboring under all the embarrassments resulting from the contest; when, individually and collectively, the country was distressed in its financial concerns; in April, 1816, a law was passed appropriating one million annually to the gradual increase of the Navy. Mr. B. said he had mentioned that fact, only to call the attention of the Senate to the circumstances of the Government at that time. If a million of dollars, annually, was then appropriated, when the nation was embarrassed, and individuals were involved in pecuniary distress, surely at this time, when our debt is diminished, and our population increased, we may provide for the increase of the Navy proposed by this bill. Either the appropriation at that time was the most unwise prodigality, or the bill proposed at this time could not fairly be objected to. Another fact might be stated. About three years since, in 1821, instead of the annual appropriation of a million of dollars, only five hundred thousand dollars were appropriated. This diminution did not grow out of any hostility to the Navy, but from the peculiar exigency in which the nation was situated at that time. We were constrained to borrow money for the ordinary expenditures of the Government. But that exigency has now passed away, and the circumstances that then existed have passed away with it. If, then, the question were now to be decided, whether the appropriation of a million a year, for eight years, should be made, as in 1816; if that question were before an American Senate, would there be any difference of opinon in regard to it? Has the public mind undergone any change in favor of a different policy? Is the increase of the Navy less desirable than at that time? Do not the same reasons that influenced the Government then, operate as strongly now; or is any one prepared to say that our Navy is as large as is desirable?

Mr. B. said he well recollected the reasons that were urged in favor of an increase of the Navy then, and he believed them fit and proper to be adverted to at this time. If there was really any change in public sentiment, it might not be improper to look back and consider whether those reasons might not produce the same effects now. Let us not think that we shall always enjoy peace. This may have a benumbing influence upon the country. If it is true that it is not necessary to make any expenditures more than your present service requires, all that you have done since the war is in vain; your fortifications, your cannon, the increase of your Navy, is all a useless waste of the public money, and it is better to stop instantly; but if the necessity of preparing for our defence continues as strong as it has been, it is better not to fold our arms, and cry peace, peace, when, peradventure, there is no peace. It was then contended that, if any country ought to cherish its navy, the United States ought to do so; that the extent of its maritime coast, the numerous tributary streams that intersect the country in every direction, furnishing facilities for the attacks of an enemy, required this means of defence. When the geographical situation of the country was considered, it was necessary. During the late war, Mr. B. said, his situation had brought the importance of this subject particularly to his view. The State of Virginia was intersected by numerous and large rivers, contributing to the beneficial intercourse of the inhabitants, in time of peace, but in war, furnishing high roads to the enemy from which to make their incursions upon the country. Thousands of the citizens of that State were detailed to protect its shores. The enemy was constantly changing his position, and rendered any defence almost impossible. One single ship, at the mouth of the Potomac, hermetically sealed the commerce of Virginia, Maryland, and a part of North Carolina. The expense of the protection of that part of the country was much greater than if it had been protected by a competent maritime force, independently of the thousands of our valuable citizens who perished in garrison. Mr. B. said he was better informed of the situation of Virginia, at that time, than of any other State; but he believed that other maritime States were in a similar situation. In another war, the same horrors might be sustained, if this arm of national defence were not strengthened.

It was said, furthermore, at that time, that, when reference was had to the particular genius of our Government, encouragement should be extended to the growth of the Navy. It would have a tendency to do away, in some measure, the necessity of standing armies. The whole history of nations has shown that standing armies were the surest enemies of liberty. England is indebted for the liberty and the extensive commerce which she enjoys to her naval, rather than her land forces. In every nation in which standing armies had been confided in, the liberties of the people had been subverted; and when maritime force had been relied upon, the contrary effect had generally been produced; and so, when we return to the United States, the necessity is obvious, of employing this species of force in preference to any other.

A third topic upon which encouragement of the Navy was defended, was, that it was friendly to the union of the States. It had been his misfortune, Mr. B. said, to hear subjects discussed there, which were exceedingly unpleasant; and, in which, one part of the Union had been set in contradistinction to another, as having been the theatre of signal victories; but, as it regards the Navy, these invidious distinctions cannot take place. The Navy is the property of the Union; and in whatever part of the Union we are situated we all share in its glory. All participate in the victories of the ocean. It does away all local considerations; and when the Navy grows up, as he trusted it would, to become a means of great annoyance to any enemy that might attack us, its advantages will be so obvious that every man will consider it as national property; and, in such a point of view, it would operate as a strong inducement to every State to preserve its connexion with the Union. These points were urged in favor of the Navy, at the close of the war; and the money was cheerfully voted to increase it. Then, our naval victories were fresh in recollection. We felt what a powerful annoyance it was to the enemy; and considered it a duty to appropriate money for its increase. And should we then, for the sake of saving a little money, say that the Navy had arrived at that point, beyond which its increase was unnecessary and prodigal? When the geographical situation, the policy, and a reference to our political connexion, point out its importance? These were the reasons that were then urged in favor of extending the naval system. But, whatever might have been the opinions of gentlemen upon the general view of the subject, Mr. B. trusted they would not fail to agree to this special increase of the Navy. Early in the present session a resolution had been submitted calling for information on the subject. The Secretary of the Navy, the organ of the Government, aided by three gentlemen of high standing in that department, had expressed his opinion in favor of the necessity of building the vessels provided for in this act; it was stated that the good of the service required them; that they furnished the best means of educating and instructing our officers; and that they were requisite to answer peculiar purposes for which vessels are, at present, wanted. These reasons were furnished from the head of the Navy Department, and the distinguished men who assist in the duties of that office; and coming from such authority, they ought to have great weight. They are also supported by the opinions of gentlemen whose particular situation furnishes the means of practical knowledge on the subject, and who are better advised upon it than others who have not had occasion to inquire into it. We learn, therefore, from persons entitled to respect, the necessity that these vessels should be built. An honorable member from Maine has asserted that we are called upon to-day to build small vessels, and to-morrow large ones; so that we keep increasing our Navy, while the only reason assigned is, that we want vessels of a different size. Mr. B. apprehended that, in building the vessels contemplated by this act, the Government would only restore this class of vessels to its original number, as it stood formerly. At one time we had thirteen of them, and now there were only four. If it was proper, then, that there should be thirteen vessels of this class, how much more necessary is it now, when the proportion of large vessels is increased? If gentlemen would advert to the navies of other nations, particularly to that of Great Britain, they would find the proportion of large vessels to be only about one-half. Of upwards of seven hundred vessels in the British Navy, more than one-half are of smaller grade than frigates. In the United States Navy, the small vessels bear no proportion to the large ones. If, therefore, we are governed by the naval policy of Great Britain, we shall keep up the proportion of small vessels; and this act merely proposes to maintain that due proportion which ought always to exist. These smaller class of vessels furnish a fine theatre for our masters commandant to prepare for the command of vessels of a larger size. If we neglect to build them, we shall be left, in time of war, to regret the want of them; and, instead of victory, to weep over our defeat. No one, Mr. B. said, was more disposed to a wise economy than himself; he had not now to learn that money was a necessary sinew of war; and, therefore, a proper economy would always have his support. But, he conceived that there was a difference between such economy, and withholding the necessary means for the defence of the country. The gentleman from Pennsylvania had said, that he was not willing to go to this extent, in the increase of the Navy, in time of peace; but, if we do not increase it in time of peace, when shall we do it? When the nation is involved in war, it is surely a most improvident time to do it. If, then, we are not to increase our naval force in time of peace, and it is not proper to do it in war, there is an end of the Navy at once. He would ask his honorable friend, what was the result of experience on this subject?

Mr. LOWRIE rose to explain. He had been misunderstood, both by the gentleman from Virginia, and, the other day, by the gentleman from South Carolina. They had attributed to him sentiments which he did not entertain. He had said that he was not willing, in a single year, and in time of peace, to build as many as ten vessels of this class, merely to be used in time of war. He would not appropriate so much money in one year, if the vessels were wanted for war only. He was quite willing to fill the chasm which existed in this class of vessels, but not to do it at once, when the finances of the country were in no better situation than at present.

Mr. BARBOUR resumed. He had no disposition to misrepresent the gentleman. He thought the present, however, the most acceptable time for building the vessels in question. He wished to call the attention of the Senate to the experience furnished by the last war. It was made a matter of boasting, that in sixty days the trees of the forest were converted into vessels, and floating upon the water. And what was the result? The Secretary of the Navy now tells you how worthless they were. If the necessity of this kind of force had been felt previous to the war, the materials might have been properly selected, and prepared, and the vessels have been still in existence, and fit for service; but, as it was, they perished almost as soon as built. Six weeks brought them into existence, and six weeks carried them to the bottom of the Lakes, or rendered them useless. In time of war, there are no surplus funds to build vessels with. All the funds that the nation can raise, are put in requisition for other purposes. And before the vessels are built, the necessity which called for them may have passed away. These vessels are wanted for a particular service. Under the necessity of the case, the last Congress passed an act for the purchase of additional vessels. They were not of suitable kind for the service. The men were exposed on board of them to the diseases of the climate in which they were used, and perished in large numbers. They proved so many graves for the men employed in them, and, in the language of the Secretary, they were unfavorable to discipline. This particular kind of vessels, therefore, is necessary in the service. It will actually promote economy, instead of being an useless expense, to build them. They are superior, in point of size, for the service. We send ships-of-the-line, or frigates, on distant service, to carry Ministers, &c., where these vessels would answer the purpose equally as well, and be supported at much less expense. In wars with the pirates, they are particularly serviceable. It is said that the pirates are put down; but the seeds remain there still; although they are partly suppressed, yet, as evil weeds grow up apace, so may they appear again. In reference to particular waters which they occupy, this smaller class of vessels is called for, to exterminate these frightful banditti. But we are told that we shall have to borrow money. A gentleman who stands in a near relation to the Treasury, as chairman of the Committee of Finance, says that we shall have to borrow money, if we vote this appropriation. Although I appreciate his services, yet this statement has almost counteracted the support which he gave to the bill. It will be difficult to quiet the alarm caused by such an assertion. But, Mr. B. thought, there could be no danger of being obliged to borrow—that there was a balance in the Treasury of $9,000,000, on the first of January. Subject this sum to what deductions you can, there will still be an excess of many millions, beyond our ordinary expenditures, which are to be applied to the payment of the national debt.

If we vote these $425,000 for two years, we shall not have so much to pay on account of our debts, to be sure; but why have to borrow money? We shall only pay so much the less—and are your creditors very anxious to be paid? No: There is not an individual who holds your scrip, that would not wish that you should keep the money. So long as your stock is ten per cent. above par, who will ask you for payment? The question, then, is whether these vessels will advance the interests of the country, equal to the sacrifice they require. Are we willing the growth of the Navy should go on? If we build ships, we must pay the money for them. His honorable friend from North Carolina, who often told plain truth there, had told an anecdote, which, Mr. B. said, now recurred to his recollection, of a man who was determined to become a man of quality—but he did not like to spare the money necessary for such a purpose; his wife, who understood the business better, told him, that, if he would be quality he must buy the silver spoons. Now, if we will be a maritime Power, we must spare the money necessary for it. If we believe that our geographical situation and our political relations require this sort of force—if we recollect the brilliant achievements of the war, and think that a navy is necessary to protect the country, and sustain its reputation, it is in vain to tell of the money it will require. There is no need of prodigality, when we can peaceably and silently increase our naval force. We do not wish to place it on a footing with that of Great Britain, but only that it should gradually "grow with our growth, and strengthen with our strength"—that it should increase with the resources of the country. To so interesting an object as this, what is the $425,000, annually? If Great Britain had been governed by such considerations, would she ever have had a navy, which has almost enabled her to hold the destinies of the world in her hand? No nation has ever held such power as she has acquired by means of her navy. If Great Britain says that Greece shall be free, she will probably be so. If she says that the Allied Powers must not interfere with the concerns of South America, is there one of them that will dare to do it? Wherever the winds blow, and the waters flow, her naval power is felt. But, Mr. B. said, he did not wish to be understood as advocating an increase of our Navy to that extent.

He understood the question now to be, upon filling the blank in the bill, with an appropriation of $425,000, annually, for two years. He thought it would be advantageous to make the appropriation, and leave the business in the hands of the Secretary of the Navy, with a view to give time for purchasing and preparing the materials—that the timber might be seasoned, &c. If $425,000, for one year only, were voted, it would build but five vessels; and in a short time, Congress would be called upon to pass another act on the subject. He hoped the motion to fill the blank would prevail, and the whole appropriation be made.

Mr. Hayne, of South Carolina, said he had regretted that the bill now under consideration had been so long delayed, as he had feared that the strong impression made by the arguments of the honorable chairman (and his colleagues) of the Committee on Naval Affairs, might, by that delay, have lost something of its force. But, since he had heard the able and eloquent speech of the gentleman from Virginia, (Mr. Barbour,) in support of the bill, he felt that we had been amply compensated for the delay which had taken place. Mr. H. said he felt it to be his duty to yield his support, (however feeble it might be,) to this bill, because he had not only advocated it in the committee of which he was a member, but most cordially approved of the policy on which it was founded; and though he was not destined to partake largely in the honors of victory, (should the measure succeed,) yet he would certainly feel his full share of mortification at its defeat. He trusted, therefore, that the Senate would bear with him while he endeavored to remove some of the objections which had been urged against the bill, and to show, affirmatively, the policy of building the proposed number of sloops of war, as soon as materials could be prepared for that purpose.

The first objection against the bill was advanced by the honorable gentleman from Maine, (Mr. Chandler.) He had endeavored to give our little fleet "*a shot between wind and water.*" He had attacked it with satire, which, in a skilful hand, is sometimes a better weapon than argument. He tells us that the friends of the Navy, at one moment, insist "that we have too few ships of the line—the next, that we have too few 'frigates'—and then we are told that we have too few 'sloops of war;" and then, that, in the increase of our Navy, we are travelling in a circle to which there is no end. With all due deference to that honorable gentleman, (said Mr. H.) I submit that the course of which he complains, is the only one which could have been pursued, or by which we can ever arrive at a suitable Naval Establishment. A navy is, in its very nature, progressive; this great engine of national defence can be constructed only by gradual means. It must "grow with our growth and strengthen with our strength." It has been well asked, by my honorable friend from Massachusetts, whether the gentleman who makes this objection would, in the construction of his dwelling, expect that the chambers and the garret would be built at the same moment with the cellar? And I, (said Mr. H.) will put another case, and ask whether, if he employed an agent to improve a farm, he would object that he had first prepared for cultivation a small field, and then a large one—or whether he would not discover, in this gradual and progressive improvement, the evidence of increasing wealth and prosperity? But, if the honorable gentleman's objections really be not to the increase of the Navy, but only to the manner in which that object was accomplished, he would suggest that he ought not to oppose the bill, but should offer to amend it, so as to embrace the construction of vessels of every class at the same time. Mr. H. feared, however, that such a proposition would never meet with the approbation of the gentleman from Maine, much less that it would be proposed by him.

A further objection had been advanced by the honorable member from Maine, (Mr. HOLMES,) in the form of a complaint, "that money was never suffered to remain long in the Treasury;" and he tells us "that the Navy is the *key* by which the Treasury is unlocked." It is a golden key, sir, said Mr. H., which, if it unlocks the Treasury, also opens the door to national glory. May the Treasury never be unlocked for any purpose less conducive to the welfare and honor of our country! I have never, said Mr. H., been able to comprehend the nature of the satisfaction which gentlemen appear to feel in the contemplation of the Treasury, filled with gold and silver, and locked up from the public use. I prefer, said Mr. H., to see the public money expended in great national improvements; in establishments calculated to advance the true interests and welfare of the whole people. The gentleman has himself urged an argument which makes against his position. He says, it is the habit of the country to exhaust every dollar which comes into the Treasury, and that this always has been, and ever will be the case. If this be true, ought we not, by a judicious and timely appropriation of the balances in the Treasury, to prevent a worse use from being made of it? If we are in the habit of spending all our money, it is certainly best to spend it for wise purposes. If money is to remain idle in the Treasury, Mr. H. thought it had better have remained in the pockets of the citizens.

The next objection comes from the honorable chairman of the Committee of Finance, (Mr. SMITH,) a gentleman entitled to the highest respect, as well from his situation, as the guardian of our finances, as from his great experience. While I return him, said Mr. H., my thanks for the good feeling he has expressed towards the Navy, I cannot but regret that he has urged an objection which, I fear, may go to the destruction of this bill. He has drawn rather a gloomy picture of the condition of our finances, and seems to think that we are not in a situation to afford the appropriation called for by this bill. The honorable gentleman began by stating emphatically that "money is power," an axiom which, I fear, has had more influence on his mind, on the present occasion, than it is probably entitled to. The celebrated aphorism of Lord Bacon, that "knowledge is power," if applied to nations, would seem to teach us to seek for national power, not in the accumulation of silver or of gold, but in the improvement, the intelligence, and virtue—in short, in the moral character of the people. Spain, with the mines of Mexico and Peru at her command, was poor and powerless, while Great Britain, overwhelmed with debt, and incapable of converting her paper into gold, was rich in her great national institutions, and in the prosperous condition of her agriculture, her commerce, and her manufactures. No, sir, it is not money, it is not in the mere accumulation of cash in the Treasury, but it is the resources of a nation which constitute national power. These consist in the prosperous condition of all the great national institutions of a country, in the accumulated capital in the hands of individuals, in the productive labor of the country, in the improvements in science and the arts, and, above all, in the moral habits and principles of the people. Money, converted into ships of war, is, said Mr. H., of more real value than money locked up in the Treasury. The gentleman from Massachusetts assures us that, should we turn merchants, and sell our ships, they would bring more than they cost. But, in a national point of view, as the source of power, vessels of war, built, equipped, and ready for service, are much more valuable than money. A navy contains more of the elements of strength, and is every way superior to money, as it contributes more to the character of the nation abroad, and its dignity at home, and affords greater protection to the property and persons of our citizens.

But, said Mr. H., let us look, for a moment, into the actual state of our finances, and see if it offers any obstacle to the passage of this bill. The President, in his Message, informed us that there was a surplus in the Treasury of nine millions of dollars. It is true that the Secretary of the Treasury reduces this balance to six millions, on the ground that there were appropriations to the amount of three millions, which had not been called for. We are not informed of the items which compose the sum, and it is very probable that a great portion of it may never be called for. But, should it be otherwise, it must be recollected, there always must be a part of the appropriations of every year unexpended at the end of the year. The gentleman himself had informed us, that this had been uniformly the case for twenty years. Mr. H. submitted, therefore, that it was not altogether correct to say that we might be compelled to borrow money for the current expenses of the next year, when the calculations were predicated on the idea, that the whole amount of the appropriations, for that year, as well as the unexpended appropriations of the last year, would be expended within the year, when, in point of fact, no such occurrence had taken place for the last twenty years, nor, indeed, in the whole history of the Government. With respect to the act which has been passed during the present session, for the redemption of the seven per cent. stock, Mr. H. conceived that it would of course be proper to redeem it by the issue, whenever called for, of an equal amount of five per cent. stock. The debt was not yet due, and if, in consequence of our having, at this time, an unemployed surplus in the Treasury, we proposed to redeem this stock now, that surely could not be urged as a proof of a deficiency in the revenue. The public debt, at this time, exceeds eighty millions, and, by redeeming it before it becomes due, we might deprive ourselves of the means of paying the ordinary expenses of the Government. You may apply the surplus in the Treasury to redeem your stock before it is redeemable, and, by premiums, (as in this case,) may induce the holders to surrender it; but you will take this step with the understanding that stock to the same amount, but bearing a less interest,) must be issued when the exigencies of the country shall demand it. Mr. H. said, he was not perfectly satisfied with the estimate made by the Secretary of the Treasury, as to the revenue of the present year. He had estimated the receipts by customs at sixteen millions and a half, while the receipts, during the last year, from the same source, had been twenty-one millions, and he did not think the reasons given were very satisfactory, as they would go to prove that, in a few years, we would have no revenue at all. But perhaps it was wise, in estimating revenue, to take the worst view of the subject. But, Mr. H. said, he would not enter further into calculations on a subject with which he did not profess to be well acquainted. There can be no doubt, said he, that the United States can afford to build ten sloops of war at a time when we are anticipating the payment of our debts; and your creditors, so far from pressing their demands, are entreating you to suffer their money to remain in your hands. If this bill, therefore, be expedient; if its passage be called for by the interests of the country, he had no fears but that the means would be very easily provided. He would put the bill into the hands of the chairman of the Committee of Finance, and call on him to provide the money. He knew that it was a call which would be complied with.

I come now, said Mr. H., to examine the argument of the honorable gentleman from Pennsylvania, (Mr. LOWRIE.) He had asked if these sloops of war were wanted for immediate service? and had stated that, on looking back to the reports of the Secretary of the Navy, for several years past, he had discovered that all our sloops of war had not been constantly in commission; from which fact, he seems to doubt the necessity of adding to the number, at this time, or at least of building so many as ten. In answer to this objection, I would remark, said Mr. H., that every well ordered Naval Establishment must consist of vessels in commission and vessels in ordinary—of ships to be employed in time of peace, and those to be employed in time of war. The number of vessels necessary for service, even in peace, must always exceed the number usually kept in commission at any one time. The Peace Establishment must be equal to all the exigencies of commerce. We must be prepared to send a fleet to the Mediterranean, to South America, to the Northwest coast, to India, and to the West Indies, though the service of this year, or the next, may not require all these stations to be occupied. The present year calls for the service of all our sloops of war, and they are all in commission—the last year one of them was in ordinary. But, if the number always kept in actual service, is to be the standard, our Navy would be small indeed. The last year, for instance, we had in service only one seventy-four, and two frigates; and this year we will not have more. This is no test, however, of the number necessary for a Peace Establishment. But the honorable gentleman says he is willing to increase the Navy, but he thinks this bill ought to be engrafted on the general bill on that subject. This, sir, said Mr. H., is, in substance, exactly what we propose to do. The laws already provide for building seventy-fours and frigates, and we propose now to make a similar provision for sloops of war. This bill, said Mr. H., will make the system complete. He hoped, after having gone so far in the good work of providing an efficient Navy, we would not now stop short. It was from small beginnings, that the greatest results were often produced. I recollect, said Mr. H., in the course of my early reading, to have been forcibly struck by a remark of Lord Coke, in which he congratulates the English nation on two things, which, he says, constitute their pride and their glory; the first was, in the possession of their "Virgin Queen—the Queen," as he quaintly expresses it, "of 'roseate beauty,' in whose cheeks 'were united the white rose and the red—as she 'united in her person the conflicting claims of the 'houses of York and Lancaster." The second was, in their magnificent fleet, which, said he, "consists of no less than *thirty-three* ships." Such, said Mr. H., was the British navy in the days of Queen Elizabeth—and what is it now!

I proceed now, (continued Mr. H.,) to show the propriety of passing this bill. This will naturally lead to a brief examination of the policy on which it is founded, as well as of its particular details. I admit, sir, said Mr. H., that this is not a *war measure*, and that our proposition is not founded on the present aspect of our foreign relations. I trust that, were we now about to adopt a system of measures looking to a war with any European Power, the nature and extent of our preparations would bear some proportion to the magnitude of the object. The Naval Committee would not, in such a case, merely propose to build ten sloops of war. When America speaks in the language of warning or defiance, she must be heard; when she acts, she must be felt. There was a time, sir, when the complaints of our country were heard in Europe with coldness, nay, with contempt, and when our threatenings were received with incredulity. Yes; it was incredible in Europe, that the United States could be urged by injuries or insults to support our commerce, to protect our citizens, or to vindicate our honor. The last war has happily wiped off that stain from our character. There is a debt of gratitude which we will never be able to pay, due to the Legislators who declared that war—to the statesmen who conducted it—but, above all, to the heroes who, on the land and the sea, brightened our path by their victories, in the darkest hour of our national history. Ten years ago, we had a character to gain—now, we have one to support.

But though, said Mr. H., I admit that this bill is not founded on the expectation of any immediate change of the peaceful relations of the United States with foreign Powers, yet the present state of the world seems to admonish us to look carefully into all our institutions; to rectify abuses; to purify and strengthen our establishments; to make them all soul—all energy. When war is waged by the confederated monarchs against liberal principles, all over the earth; when free institutions are everywhere proscribed, and human rights and human happiness are trampled in the dust, can "the last Republic" be an indifferent spectator of the scene? We are not yet called upon, it is true, "to put on our armor, or assume an attitude" for war, but it certainly behooves us to examine our Military and Naval Establishments; to introduce stricter and more perfect discipline; to establish order, economy, and accountability; to give harmony and proportion to all the parts; in short, to make them more useful in peace, and more efficient in war. This bill is the first of a series which have been reported by the Naval Committee, having in view these objects. If it be admitted that ours is a naval policy, it seems to follow, that our establishment should be rendered as perfect as possible.

That it is the true policy of the United States "to provide and maintain a navy," (to be limited in its extent only by the wants and resources of the country,) seems now to be too generally admitted, to require proof by elaborate argument. The doubts which once existed on this subject, have been dispelled by experience, and the Navy has "fought itself into favor." I will trespass, however, said Mr. H., so far on the patience of the Senate, as to recall some of the considerations by which the wisdom of our naval policy is demonstrated. The United States of America must always be a commercial country. With a seacoast of two thousand miles, and numerous and large rivers, (opening the channels of commerce almost to the mountains,) with a vast quantity of rich and uncultivated lands—our great facilities for trade—and, above all, the character and habits of the people—how can our pursuits be other than commercial? But commerce invites aggression, and requires protection; and that protection can only be afforded by a navy. In proof of these positions, I will offer only two arguments. The first is found in the deliberate opinion of General WASHINGTON, who, in his last speech, made to Congress in 1797, declares, "that, to an active external commerce, the protection of a naval force is indispensable;" and concludes his argument by the remark, "that these considerations invite the United States to look to the means, and to set about the gradual creation of a navy." My second argument is found in depredations committed on our commerce, from the period of the French Revolution down to the year 1812. The President informs us that the amount of property lost by us during that period, is "incalculable;" whole fleets were captured and confiscated. I hazard little, sir, in declaring that the millions which we have lost by these depredations, could have furnished a navy which would have afforded adequate protection to our trade. The opinion of General WASHINGTON, with these facts added to it, would seem sufficient to convince us of the necessity of a navy. A navy is also necessary for defence; it is our most efficient mode of defence. Your fortifications are stationary; but the naval force can be moved from place to place, as it is wanted. Its moveable character renders it most powerful and effectual. A navy, in case of war, will enable you to carry the contest into the enemy's country—to attack him on the ocean. With the exception of Canada, how are we to invade the territory of any nation? It is only by means of a navy that you can make Europe feel your force. The history of the world, from the days of Scipio and Hannibal, to those of Napoleon, fully proves that the wisest of all policy, in war, is to remove it from your own shores. This furnishes an essential use for a navy. History would afford some valuable lessons on this subject. But, sir, I have not time to dwell upon them. If we look into the history of Genoa, of Venice, of Holland, and of England, and seek the causes of their power, their navies will be found to have been eminently instrumental in its acquisition and preservation. Where would Great Britain have been, at this time, if it had not been for her navy? She would have been subdued by the arms of France.

The growing Powers of South America, also, demand our attention. They will, undoubtedly, build up navies, and our future concerns with them may require that we should pursue the same policy.

I come now, said Mr. H., to consider the particular provision of this bill, which proposes to add to our Navy ten sloops of war. This measure is necessary to preserve a due proportion between our large and small vessels. The laws now provide for twelve ships-of-the-line, fifteen frigates, and only four sloops of war. In the year 1813, four seventy-fours, six forty-fours, and six sloops were authorized to be built. In 1816, the number of seventy-fours was increased to twelve, and the frigates to fifteen, but no provision was made for sloops of war. The object of the present bill is to remedy that defect. It cannot be doubted that the number of our sloops of war should, at least, equal that of our frigates. Such is the state of the British navy, the result of the experience of the greatest naval Power in the world. The passage of this bill is also recommended by a due regard to economy. The Secretary of the Navy informs us “that sloops of war are competent to most of ‘ the objects for which our Navy is employed in ‘ time of peace, and often save the necessity of ‘ keeping in commission vessels of a larger class.” Nearly four sloops of war can be built for the cost of one ship-of-the-line, and three of the former can be nearly supported for what it costs to maintain the latter. It is true economy, therefore, to build sloops of war, as it will enable us to lay up in ordinary our larger vessels. It is said that the appropriation called for is too large to be made in a single year, or even in two years. Sir, we know that all of these vessels cannot be built in one, perhaps in two years. But, if we are convinced that the number of vessels is not too large, why not make the appropriation at once? The appropriation of the money will not cause a premature expenditure of it. If the vessels cannot be built immediately, the means will be afforded to make contracts, and to provide and prepare the materials. We cannot tell, precisely, how many may be built within the year; but, if a sufficient sum of money be appropriated, they can be completed as may be found convenient. The last and most important consideration remains. These vessels are highly necessary for the improvement of that valuable class of our officers, the masters commandant, of which we have about thirty. These men constitute our best resource in times of emergency. Your post captains are prepared at any time for command, but the masters commandant are kept only in subordinate situations, and have not the opportunity to acquire experience in the duties which they may be called in time of war to perform. What constitutes a Navy? Is it the ships? Is it the mere timber, iron, and sails? No. It is the skill and experience of the officers, and the character of our sailors. The seamen, indeed, may acquire a knowledge of their duties in the ordinary course of trade, but it is not so with your officers.

In time of war your masters commandant will be promoted, and will you give them the command of your frigates when they have not been accustomed to separate commands? What was the situation of Bonaparte in this respect? He wanted a navy; he could have built ships with the resources of the Continent at his command; but he could not create officers and seamen. He was, therefore, constantly controlled in all his operations by the British navy. It is the best policy to make these officers perfect in skill and in discipline. They are men of high character and chivalrous spirit; they are already disciplined as far as their opportunities permit; but they are not accustomed to independent command. In this point of view the building of these vessels is of importance to the nation; sloops of war will give command to your masters commandant.

I need not repeat the remarks of the honorable member from Massachusetts, on the superior value of this kind of vessels, in certain branches of the service. He has sufficiently shown their peculiar application to the West India service, and their use in hovering about the coasts of an enemy in time of war. It will be recollected in what manner the Wasp kept the British channel during the late war, in defiance of the whole British navy; and the services of the Argus cannot be forgotten. Nor have the services of sloops of war been less important in building up the naval glory of the country. The picture drawn by the gentleman from Massachusetts, on this subject, might be injured, but could not be improved, by any thing I could say. But, in relation to the effect produced abroad by the exploits of our Navy, he would take the liberty of mentioning an anecdote to be found in the history of the French Emperor. While a prisoner at St. Helena, a conversation took place between Napoleon and the British surgeon, which turned on the American navy—a navy which had once been described as a “few fir-built ships, with bits of striped bunting at the mast-head.” The Emperor expressed his deliberate conviction, founded on the events of the late war, that the American navy was superior to the British. This, the surgeon, with a becoming *esprit du corps*, firmly denied, but his arguments could not shake the strong impression which had been made on the mind of the Emperor by our naval battles. The probability of a war between the United States and Spain next became the subject of conversation, when the English officer, (released from the trammels of professional opinion,) declared, in his turn, that there was no doubt that an American frigate was superior to a Spanish seventy-four.

Ought we not, then, (said Mr. H.,) to cherish our navy? which not only affords protection in peace, and defence in war, but which has elevated, in the eyes of the world, our national character.

Mr. **Chandler** said, that if he had not laid it down as a rule that his judgment should not be carried away by the impulses of feeling, he should certainly go with the gentleman from South Carolina, in voting for the bill now before the Senate. But, admitting it were the object to build as many as ten of these vessels, he could not possibly see the necessity of appropriating all the money at this time. The timber for the vessels can only be got in the Winter season. The present Winter is too far advanced to do any thing towards it. Nothing can be done, as to procuring the materials, until the next Winter; and the building cannot be commenced until the Summer following. Before the materials can be collected, Congress will be again in session. If ten sloops of war are necessary, let them be built. But, Mr. C. said, he was not afraid to trust a future session of Congress, to judge according to the circumstances that might then exist. He was willing to fill up the blank with such a sum as would be adequate to the purchase of the timber.

Mr. **Smith** rose.—He said he was aware of the disadvantage which a speaker was subjected to, who rose after a powerful display of eloquence; and he felt the inconvenience of following the gentleman from South Carolina. That gentleman, said Mr. S., has treated this subject in a masterly manner; and I have listened to him with peculiar attention. But, sir, who is there in this Senate, or in the United States, that is opposed to a navy? Who, that does not join, heart and hand, in its support? It has been before determined that this country shall be a naval Power. There is, surely, no necessity to impress the utility of a navy now. If a stranger were listening to our debates, he might be led, by the speeches of the gentleman from Virginia and South Carolina, to believe that there were some members of the Senate opposed to a navy—to this bulwark and defence of the country. It requires no eloquence to speak of its usefulness. It is a self-evident proposition. Every body perceives it; and yet gentlemen think it necessary to display their eloquence upon the subject. It might be thought, from some of the remarks that have fallen from the gentlemen, that I was opposed to this bill. Sir, I have always been in favor of a navy. It became my duty, as Chairman of the Committee on Finance, when a large sum of money was about to be appropriated, to state the situation of our finances. It was my duty to show that this large sum might perplex the finances of the country unnecessarily. The gentleman from Massachusetts had stated that there was a surplus in the Treasury, every year; and I thought it but fair to give to the Senate all the information I possessed on the subject. I do not agree with the gentleman, that we ought to count upon such a surplus. We know not how far the appropriations may be called for. We ought not to reckon upon a surplus, which is liable to be drawn out of the Treasury at any moment. With this opinion, I believed it my duty to take a brief view of the finances of the country, when so large a sum as $800,000 was to be appropriated, and to consider whether it would create any difficulty in the money concerns of the nation; and the view which I took has had some effect: for, it has induced the honorable Chairman of the Committee on Naval Affairs to change the amount of his appropriation for the present year. If he will reduce it yet further, in order that it may come within the financial means of the year, I will vote for building the whole number of vessels proposed. The gentleman from Massachusetts has stated that vessels built by contract will rot. And so, sir, will vessels built in any other way. Why, then, should we appropriate a sum of money, to build so many as ten vessels, in one year? Why should we appropriate it, when there can be no use for it? I wish the bill to be amended, so as to authorize the timber suitable for the vessels to be procured. If you say materials for the vessels, that includes cordage, nails, copper, &c. Those things can be purchased at any time; but the timber ought to be obtained, in order that it may be seasoned. I am in favor of building the ten vessels of this class, and have not the least objection to appropriate the money, as fast as they can be built. If it can be shown, that the money will be wanted within the present year, I am willing to vote it now. But, sir, you have no timber on hand, adequate to this object. If the timber for the ten ships is procured, we shall have the subject before us; and when we are told that the timber is ready, shall we not appropriate the money to build the vessels? I am confident of such a vote, and am willing to trust to its decision hereafter. I agree perfectly with the remarks on the necessity of these vessels, as furnishing the means of instruction to our young officers. Perhaps it would have been better, if the gentleman had not mentioned the number of those officers; for, it may, possibly, be objected by some, that we keep thirty masters commandant in service, and are now obliged to build vessels for them. There certainly could have been no better course than that which was adopted after the war, for the gradual increase of the Navy. In 1820, our finances became embarrassed; and the Secretary of the Navy himself proposed that the annual appropriation should be diminished. He stated that the Department could do with a less sum than a million of dollars; and it was, accordingly, reduced to five hundred thousand. In that act, there was no hostility evinced towards the Navy. The reduction took place in consequence of the situation of the country.

Mr. BARBOUR rose to explain. He certainly had not intended to impute the change of the appropriation, which took place in 1820, to any hostility to the Navy; he was aware that it grew out of the then embarrassed state of the national finances. But he thought a change of circumstances authorized a change of the policy which they called forth.

Mr. SMITH resumed. I believe all the members of the Senate agree upon the principle of this bill; some think that as many as ten vessels ought to be built; others, that five will be sufficient. As I was not opposed to the general principle, I had not prepared to discuss the subject; but hope gentlemen will consider these views of it. If the vessels are built quick they will rot, notwithstanding all the care that may be taken of them.

I do not intend to enter into a contest with the gentleman from South Carolina, in regard to the remark, that money is power. But, suppose you get your ships, sir, how can you manage them without money? Money is power; because it furnishes the means of building, manning, and supplying ships. I stated that, with the balance due to the Sinking Fund, there would be a deficiency of one million of dollars, on the first of January, 1825; but, sir, that was no argument against building these vessels; because, if they are really wanted, the money can be found to build them; but, then, there is no necessity of appropriating it, unless it is to be used. I believe the amount of money proposed cannot be used in one or two years; then why should it be appropriated? Sir, I admire the ardor and the zeal of the gentleman from South Carolina, but we must look at our means as we go along. The gentleman believes the Secretary has erred, on the side of prudence, in calculating that the revenue of the year will be less than that of the preceding year; and he has corrected the statement.

Mr. HAYNE explained. He only said, or intended to say, that he had reason to suppose that the revenue would exceed the calculations of the Secretary of the Treasury.

Mr. SMITH continued. Some years since I examined the calculations of the Secretary, in regard to the revenue of the succeeding year, and convinced myself that he had much underrated it. And, what was still more unfortunate, sir, I succeeded in convincing the House of Representatives that he had underrated it. But the result proved that the calculation of the Secretary, at that time, rather exceeded the amount which was actually received into the Treasury. The fact is, that it is wholly impossible to make any correct estimate, when the revenue depends upon so many contingencies. But the safest way is to take the calculations of the Secretary of the Treasury. If the holders of the seven per cent. stock receive the payment proposed in the law passed this session, and my construction of the law in relation to the Sinking Fund is correct, there will be a deficiency in the revenue in 1825. Upon the construction of that law there are different opinions; if mine is false, then the Treasury will have ample means to meet all the demands against it; if correct, there will be a deficiency. The honorable gentleman charges me with taking the worst view of the subject; but, if my opinion of that law is right, it is the correct view, whether worst or not. Sir, I never, for the sake of opposition, take any view which I do not think correct. The gentleman says that Bonaparte was anxious to establish a navy, but could not do it for want of men; and may we not, possibly, find some difficulty in that respect? May we not be obliged to resort to other means, than are at present found necessary, to obtain men? Let us not follow the example of Great Britain, with her eight hundred ships of war. The comparison between Great Britain and our own country does not hold good. She has immense foreign possessions; her very heart's blood is away from her own shores. We ought not to think of fitting out a navy, to compete with the Powers of Europe. But we can establish such a navy as will be sufficient for our own protection; such an one as will enable us to speak a language that will be understood; such an one as will lead other nations to be cautious how they tread upon us; such an one, as, in case of war between France and England, will give Great Britain to know that we may even turn the scale against her. Our enterprise is equal to that of any other nation, and, for these purposes, our Navy may be a powerful instrument in our hands. I was unprepared, sir, to enter into this argument. If it is shown that the sum proposed to fill the blank in this bill, can really be spent for the contemplated purpose, I shall be willing to agree to the bill as it is.

Mr. MACON rose. He could not say, like the gentleman from Maryland, that he had always been in the right, in regard to this question respecting a navy; nor with the gentleman from Virginia, that he was yet quite convinced upon the subject. Changes of circumstances would be constantly occurring; we are sometimes very rich, and sometimes very poor. It is true the nation appears to be decidedly in favor of a navy. To be useful, a navy must be strong enough to make itself felt; it must be able to meet that of any other nation. I am not willing, said Mr. M., to join stocks with any nation. I am for standing solely upon American ground, and upon no other. I believe, in time of war, your navy will not be able to go on, without impressment. You must resort to impressment; you must embarrass your commerce; you must stop your privateering, in another war. The history of nations will show that their freedom had done more towards their success than any thing else. It was the freedom of England, more than the bayonets of Russia, that put down the Emperor of France. The character of one part of this country, to be sure, is commercial, and that of the other is not so. How long we shall continue a commercial people, we cannot tell. I fear the tariff, and some other projects, will convert us to something else. We are told that Lord Coke spoke of two great blessings which England possessed—her Queen and her Navy. We possess two greater blessings than these. We are as free as any people can be in civilized society, and every man has plenty to eat. I wish I could say that every one in the country was out of debt. I do not believe we are in such good circumstances as the gentleman from Virginia has described. The failure of the banks has been a great evil in the country. In all countries, I believe, (though I was never in any but my own,) nothing is so pleasing as military glory. I well remember, sir, how I loved, in my youth, to listen to stories of battles. It is the delight of men, and women too. This ardor for military glory is the bane of Republics. All history demonstrates that too much war has proved their destruction. I do not pretend to know much of military affairs; but I believe that men have a particular gift of God to perform great actions; it is a special gift, like that with which poets, and orators, and other celebrated men, are endowed. Men must have a natural turn of mind towards it in order to excel in any business. It is said that our extensive seacoast requires a navy. Great Britain has an extensive seacoast, and do we wish to have as much starvation and heavy taxes as she has? I had much rather that our people should have plenty to eat, than a brilliant navy. I entertain no hostility towards England; but, with all her enterprise and ingenuity, by water and by land, we still find her involved with a heavy debt. It is said that navies have added to the glory of nations. All the naval Powers that have existed, have fallen, with the exception of old John Bull. His landholders, and his handicraftsmen, have yet succeeded in keeping him up, and he is more free than any of them. Although I have never voted for a navy, not for a rope or a nail of it, yet I am willing to defend its honor; I was of that opinion, in regard to the affair of the Chesapeake. When any other nation attacks one of our ships, I would give them blow for blow.

I do not like long appropriations, for I am quite willing to leave the business of voting money for future purposes, to our successors. It must be admitted that the naval question was settled by the late war. An appropriation was made for the increase of the Navy; and we had to reduce that appropriation one-half. We had better leave this business to those who come after us. We had that appropriation to reduce; and we may have to reduce this also. No navy can supersede the necessity of an army. Your fortifications must be kept in order, and manned. If any reverse in our situation takes place, we shall be compelled to resort to loans. No man can calculate what demands we may have for money. I shall use no hard words towards the Holy Alliance; hard words do not hurt them, and they do us no good. I am willing to be at peace with all the world, and not to abuse anybody.

Sir, I have heard of economy ever since I came into Congress, and every year we spend more and more money. I don't know but this all right, but I think the people are not as free from debt as they were in the days of Washington, and I believe the Government owes more than it did then. The gentleman from Virginia has alluded to my anecdote about the old man and his silver spoons. It might have been right for the old man to have the spoons, but, then, he had the money to buy them with. Some few years ago, sir, I was travelling in the southern part of the country, in a circuit through a part of South Carolina and Georgia—the land is not quite so poor there as it is with us, but still, no one, who had not seen it, would believe there was any land quite so poor upon earth. I stopped at a very miserable tavern; there were three or four persons present engaged in conversation. They were full of a Spanish war, and all in a rage for taking Cuba. They said, "we had beaten Great Britain once in a seven years' war; and again, in two years, and that it would be but a job before breakfast, to whip Spain and take Cuba from her." It is a very easy thing to get into a war. The people may be a little unwilling for it, at first, but some leading spirits get up an excitement, and then it is easily kept up. We are always trying some experiment. When the gunboat system was proposed, I was no advocate for it. I recollect making the remark, upon the occasion, that one British frigate would run over them all, as a fine race horse would run over a litter of Guinea pigs.

Mr. Lloyd, of Massachusetts, was gratified to find that no objection had been yet urged against building the ships provided for in this bill. The only objection seemed to be to the amount of the appropriation. The Naval Committee certainly have no desire to press the subject upon the Senate. It is no child of theirs. An honorable member introduced a resolution, early in the session, proposing an inquiry into the expediency of building an additional number of sloops of war. In compliance with the instructions contained in that resolve, the committee proceeded to make the necessary inquiries. They communicated with the head of the Navy Department on the subject. It was his peculiar province to know what number was necessary. He answered to the question of the committee, that ten would be the proper number. This number did not originate with the committee. They inquired, also, what would be the expense, and they were told eighty-five thousand dollars for each vessel. They therefore framed a bill providing for ten vessels, and inserted in it the highest cost of building them. The committee do not wish to press the bill. It was said that there was no need of making the whole appropriation at once; that the timber could not be all procured within the present year, and that, consequently, the money would not all be wanted. To satisfy that objection, I moved you, sir, in behalf of the committee, that the appropriation should be divided, one-half for the present, and the other for the next year; and I am ready, if the Senate think it proper, to move for a further reduction of the appropriation. But why should you vote to build ten sloops of war, without furnishing the means to do it? I understand that some part of the timber necessary for building these vessels is already on hand. It is true that some kinds of timber can only be cut in the Winter, when the sap is down, but some of it may be obtained as well in the Summer. The committee have permitted the bill to lie upon the table for ten days, in order to obtain information from the Department. It is found that $425,000, for the present year, will not be too large an appropriation.

I do not wish said he, to trouble the Senate any further on the subject, but only to make a single remark. It is said that we may find difficulty in procuring seamen for our vessels. Because Great Britain, with her seven hundred ships, cannot obtain seamen without impressment, surely is no reason that we cannot find men for our twenty or thirty vessels. If this bill should pass the Senate, it will undergo a discussion in the other House, and will probably be postponed there, by other business. If anything is done this year, towards building the vessels, it is necessary it should be done soon. I, therefore, hope the bill will meet the acceptance of the Senate.

Mr. Barbour said he was willing to modify the bill, so as to meet the wishes of the gentleman from Maryland, if that object could be obtained, by dividing the appropriation between three or four successive years; whatever sum might be thought necessary for each year, had better be appropriated. So that the ten ships were built, he did not care whether it was in one, two, or three years.

Mr. Lloyd, of Massachusetts, withdrew the motion which he had made, to fill the blank in the bill with four hundred and twenty-five thousand dollars annually, for two years.

Mr. Holmes, of Maine, then moved to amend the bill, so as to provide for procuring the materials for building the vessels; and on motion of Mr. King, of New York, the Senate adjourned till Monday next.

MONDAY, February 9.

JOHN TAYLOR, from the State of Virginia, whose credentials were filed during the last session, appeared, was qualified, and took his seat in the Senate.

Mr. KING, of New York, presented the memorial of the Chamber of Commerce of the city of New York, remonstrating against any increase of the existing tariff of duties, and, particularly, against the passage of the bill now before Congress on that subject, in its present shape. The memorial was read, and ordered to be printed for the use of the Senate.

Mr. LLOYD, of Massachusetts, presented the memorial of William Davis, and others, of Plymouth, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Kentucky, presented the memorial of William Thornton, Superintendent of the Patent Office, praying to be reinstated in the receipt of the salary allowed to him by the Secretary of State in the year 1810, which he alleges has since been reduced by mistake; and that the privilege of franking letters to and from his office, may be granted to him. The memorial was read, and referred to the Committee on Finance.

The bill to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian;" passed the 18th of April, 1818, was read the third time, and passed.

The resolution authorizing the payment of the funeral expenses of Samuel Turner, junior, deceased, was read the third time, and passed as follows:

Resolved, That the Secretary of the Senate pay to the widow of Samuel Turner, junior, deceased, late principal clerk in his office, the sum of one hundred dollars, out of the contingent fund, for the purpose of defraying the expenses of his funeral.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was further postponed to Wednesday next.

ADDITIONAL SLOOPS OF WAR.

The Senate resumed the unfinished business of Friday last, being the bill reported by the Committee on Naval Affairs, authorizing the building of an additional number of sloops of war for the naval service of the United States. Mr. RUGGLES in the Chair. The question was upon the amendment submitted by Mr. HOLMES, of Maine, proposing merely to authorize the materials for building the vessels to be provided.

Mr. HOLMES, of Maine, supported his amendment upon the ground that the timber for the vessels could not be procured until the next Winter, as no contracts could be made early enough to get out the timber this Winter; and, that it was unnecessary to appropriate the money when the vessels could not possibly be built within the year. In considering the financial concerns of the country, in relation to the demands upon the Treasury, he thought the whole appropriation ought not now to be made.

Mr. LOWRIE could not see the necessity of building so many vessels immediately—he doubted the expediency of making so large an appropriation, confined to one or two years. It is said that the vessels are wanted for the suppression of piracy. Mr. L. said he thought that subject was at rest. Congress had authorized the purchase of vessels for that purpose, at the last session; and we have been told, from the proper Department, that the enterprise was successful, and that piracy was suppressed. If this is the case, that exigency does not now exist—of course, there is less necessity to complete these vessels immediately. On the ground that in peace we ought to prepare for war, Mr. L. was willing to vote for the whole number of vessels proposed by this bill. He conceived the only question now to be, at what time the money should be paid. He was in favor of amending the bill so as to appropriate $250,000 for the present year, and $150,000 annually for the four succeeding years. He thought a permanent appropriation better than an annual one, as such a course would place the subject before the Navy Board, to proceed according to their judgment and knowledge of the business. He was not opposed to the support of a Navy, to a certain extent. He considered that our present naval force, with the addition of the vessels proposed by this bill, would be quite large enough; and, if the act of Congress providing for the gradual increase of the Navy had contained a provision for ten sloops of war, he should have opposed any further increase; but he believed some small vessels were necessary, and was willing to vote for the bill provided the building of the vessels was not hurried.

Mr. BARBOUR made some remarks, in which he expressed his opinion in favor of a gradual increase of the Navy, and his opposition to the amendment proposed by the honorable gentleman from Maine.

After some further remarks by Messrs. HOLMES, of Maine, LLOYD, of Massachusetts, and SMITH, the question was taken on the amendment of Mr. HOLMES, and lost—yeas 11, nays 21.

In pursuance of a suggestion which had been made by Mr. SMITH, Mr. BARBOUR moved to fill the blank for the appropriation with "two hundred and fifty thousand dollars for the present year, and two hundred thousand dollars annually for the three succeeding years." This was agreed to—yeas 24, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Parrott, Seymour, Smith, Taylor of Virginia, Thomas, and Williams—24.

NAYS—Messrs. Bell, Branch, Brown, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, and Ware—13.

The bill was then ordered to be engrossed, and read a third time.

TUESDAY, February 10.

The PRESIDENT communicated the annual report of the Commissioners of the Sinking Fund, stating the measures which have been authorized by the board, subsequent to the last report, of the 6th February, 1823.

The PRESIDENT communicated a report from the Secretery of State, transmitting a statement containing an abstract of all the returns to that Department by the collectors of the different ports, of American seamen, for the year 1823; and the report was read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Robert McBride and Stephen Kerr, administrators of Andrew Mitchell, reported a bill for the relief of the legal representatives of Andrew Mitchell, deceased; and the bill was read, and passed to a second reading.

Mr. JOHNSON, of Louisiana, gave notice that he would, to-morrow, ask leave to introduce a bill, explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana, and the Territory of Missouri," passed 29th of April, 1816.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 29th of January last, a report of the Secretary of the Treasury, on the subject, reported a bill to authorize the employing of certain assistants in the General Land Office; and the bill was read, and passed to a second reading.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Calvin Smith.

Mr. VAN BUREN presented the petition of Thos. W. Clerke, and others, aliens, in New York, and of R. Riker, and others, also of New York, praying a modification of the law prescribing the terms of naturalization; which were read, and referred to the Committee on the Judiciary.

Mr. LLOYD, of Maryland, presented the memorial of the trustees of the Columbian College in the District of Columbia, praying a loan of money from the Government, to enable them to perfect the institution; which was read, and referred to the Committee on the District of Columbia.

Mr. CHANDLER presented the petition of Peter H. Green, praying a settlement of his accounts against the Government, upon equitable principles; which was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the memorial of William Bombergin, and others; of Joseph Ripka, and others; of Samuel Chapin, and others; of T. W. Dyott, and others; of William Jamieson, and others; of James Baker, and others; of John Ashmead, and others; and of Daniel Benneville, and others, all of the city and county of Philadelphia, severally praying that the tariff of duties may be so modified, as to afford to manufactures that protection which is extended to commerce. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill to amend an act entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia," was read the second time.

The bill authorizing the building of an additional number of sloops of war for the naval service of the United States, was read the third time, and passed.

MISSISSIPPI LAND COMPANY.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Ebenezer Oliver and others, directors of a corporation called the New England Mississippi Land Company, &c., reported as follows:

1st. That, by the articles of agreement and cession of the 24th of April, 1802, between the United States and the State of Georgia, it was agreed that the United States might (in such manner as not to interfere with the payment to be made to the State of Georgia, or with the satisfaction of certain land claims agreed to be confirmed by the United States) appropriate not exceeding five millions of acres for satisfying certain claims on the land then ceded to the United States, commonly called the Yazoo claims; provided the act of Congress making such appropriation was passed within one year.

2dly. That, by the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, passed the 3d of March, 1803," so much as should be found necessary of the five millions of acres, reserved, as before stated, were appropriated to the purpose for which they had been reserved. But it was provided by that act, "that no other claims shall be embraced by this appropriation but those the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose," &c.

3dly. That, pursuant to the provisions of the last mentioned act, the claims to the said lands were exhibited to the Secretary of State, including those now in question, but the passage of the final act providing for their adjustment and satisfaction, was delayed until the year 1814.

4thly. That many of the claims, so exhibited, were found to conflict with each other, and also with rights which had been acquired by the United States in consequence of surrenders made to the State of Georgia, and which, by virtue of the cession, inured to the United States.

5thly. That, to make the indemnity and provide for the adjustment of the claims in question, the act of the 3d of March, 1814, was passed, by which—

1st. The President was authorized and required to cause to be issued from the Treasury of the United States, to such claimants, respectively, as had exhibited their claims agreeably to the act of 1803, certificates of stock, payable out of moneys arising from the sale of said public land, and, among other companies, to the persons claiming in the name or under the Georgia Mississippi Company, a sum not exceeding, in the whole, one million five hundred and fifty thousand dollars.

2d. That the claimants of the lands might file, in the office of the Secretary of State, a release of all their claims to the United States, and an assignment and transfer to the United States of their claim to any money deposited or paid to the State of Georgia, such release and assignment to take effect on the indemnification of the claimants, according to the provisions of that act.

3d. Commissioners were to be, and were, accordingly, appointed "to adjudge and finally determine upon all controversies arising from such claims so released as aforesaid, which may be found to conflict with and be adverse to each other, and also to adjudge and determine upon all such claims, under the aforesaid act or pretended act of the State of Georgia, as may be found to have accrued to the United States by the State of Georgia."

6thly. That the provisions of the act of 1814 were, in all respects, pursuant to a compromise made in behalf of the United States with the claimants, including the present petitioners, and that the release, required by the said act, was made by them.

7thly. That, before the commissioners, the petitioners, as trustees of the New England Mississippi Land Company, claimed, as the persons entitled to the one million five hundred and fifty thousand dollars directed to be issued to the Georgia Mississippi Land Company, their claim to indemnity for 957,600 acres, amounting to $130,425, was resisted in behalf of the Georgia Mississippi Company, on the ground that the consideration money for said lands had not been paid, and that therefore they were in equity entitled to the indemnity provided by the act of Congress. The commissioners decided in favor of the Georgia Mississippi Company, and the $130,425 were deducted from the amount awarded to the New England Mississippi Land Company, and distributed as follows: $50,608 48 to individual members of the Georgia Mississippi Company, who had released to the United States under the act of 1814, to whom the same has accordingly been paid; $79,816 52 was reserved to the United States, as being the shares of those claimants who, not having been paid the consideration money by the persons who had purchased of them, claimed to be still the legal and bona fide owners of said lands, and, as such, had availed themselves of the provision of the repealing act of the State of Georgia, and obtained the repayment of the consideration money by surrendering their titles to the State.

8thly. The petitioners object to this decision as erroneous, and they ask to have the $130,425 paid to them by the United States, or their release to the extent of the 957,600 acres cancelled, so that they may assert their title to the lands in a court of law. The Supreme Court of the United States, in the case of Brown and Gilman, 4 Wheaton, 256, have decided that the grant from the Georgia Mississippi Land Company to the individuals who afterwards constituted and composed the New England Mississippi Land Company, conveyed the legal estate, notwithstanding the act of Georgia prohibiting the deeds for the same from being recorded; and that, by the terms of the contract and the law of the land, the grantors had no lien on the lands for the consideration money, and that therefore the decree of the commissioners, in that respect, was erroneous. For the grounds of that decision, its operation upon the interests of the petitioners, and those they represent, and for a more particular statement of the facts and circumstances connected with the whole transaction, the committee refer to the case of Brown and Gilman, to the decree of the commissioners accompanying this report, to the accompanying certificates of two of the commissioners, and to a more particular statement made by the petitioners to the Judiciary Committee, and adopted by them in their report last year on the same petition.

9thly. The Committee acquiesce in the correctness of the decision of the Supreme Court, and believe that the decision of the commissioners, on the point of law raised before them, was erroneous; but, as their decree was agreed and declared by the law to be final and conclusive on the rights of all the parties, and as they have not found any circumstances in the case requiring that the same should be opened, but many strong reasons against the propriety of doing so, a majority of the committee are of opinion that the prayer of the petitioners ought not to be granted.

The report and resolution were read, and ordered to be printed.

ACCOUNTABILITY OF PUBLIC OFFICERS.

The Senate, as in Committee of the Whole, Mr. RUGGLES in the chair, proceeded to consider the bill better to secure the accountability of public officers and others; which was introduced under leave obtained by Mr. HOLMES of Maine, and reported by the Committee on Finance.

[The first section of the bill provides, that no salary, compensation, or emolument, shall be paid to any person who is, or shall be, indebted to the United States, until such person has accounted for, and paid into the Treasury all sums for which he may be so indebted.

The second section makes it the duty of every accountable officer who, in making payment to the United States, is, by law, authorized to retain his fees, or salary, out of the money for which he is accountable, and who is indebted to the United States, to pay over, at the time required by law for his payments and accountability, all his fees and emoluments, until he shall have discharged the sums for which he is indebted; and makes it the duty of the Treasury Department, at a certain time in each year, to give notice to such officers, of the sums due from them; and makes it the duty of collectors, and other officers, to withhold the pay of the persons employed by them, until their debts to the Government are discharged.

The third section provides that no person shall be appointed to any office, which entitles him, in any way, to receive, and makes it his duty to account for, public moneys, who shall, at the time of such appointment, be indebted to the United States.

The fourth section makes it the duty of the President of the United States to communicate to Congress, in the first week of each session, the names of persons whose pay is withheld under the provisions of this act, with the amount due, &c., with a proviso, that in all cases where the pay of any person is withheld, it shall be the duty of the accounting officers of the Treasury, if demanded by the person, to report, forthwith, to the agent of the Treasury Department, the balance; and it shall be the duty of such agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.]

Mr. HOLMES, of Maine, briefly recapitulated the provisions of the bill, with the remark, that its principles were such as, he conceived, ought to be adopted into the government of the country.

Mr. **MILLS** objected to the first section of the bill; he was willing to go as far as any man, to secure the accountability of those who are intrusted with the public money—but he knew very well, that, in a variety of instances, balances were reputed to be due, when, in truth, on a fair adjustment of accounts, nothing at all was found to be due. But perhaps this third section of the bill might extend, in its operation, further than the gentleman who proposed it had contemplated. It would apply to every officer who was a receiver of public money. In case of a foreign Minister, for instance, who had received his money for outfits, and was charged therewith. It would not be in the power of Government to exchange him to another Court, if it should become necessary, until he had accounted for moneys paid to him—previous to his nomination to the Senate, his account must be settled up or his appointment could not take place. A person might be distant from the Seat of Government, at the expiration of his term of service, and unable to adjust the balance against him, and yet he could not be re-appointed, however otherwise fit for the office, because of the balance, which it was not in his power to settle. Mr. M. said, he could not perceive the particular necessity of any part of the bill—but this section of it, he thought, ought not to be passed—he, therefore, moved to strike out the third section of the bill.

Mr. **BRANCH** believed the objection of the gentleman from Massachusetts, in regard to the application of the third section of the bill, to foreign Ministers, would not hold good, because the outfit of the Minister became due him instantly on his appointment, and was not an item of charge to him, nor one for the expenditure of which he was bound to account to the Government.

Mr. **HOLMES**, of Maine, read the act already existing in regard to the disbursement of public moneys, and which prescribes rules, in order to ascertain who is indebted to the Government. He said, that an officer who received money, to be paid out on account of the Government, was not considered as being *indebted* to the Government, until the time at which he is bound to account for that money. The law allows him ample time to settle his account; the officer is entitled to hold his money until a certain period, and he is not considered as being indebted until that time arrives. The word "indebted" applied only to those who failed to account at the time prescribed, or where the person was found to be an absolute defaulter. It had been thought best, by some, to introduce a provision into the bill to dismiss from office such as were found deficient in the settlement of their accounts; but the right to do so was doubted. Certainly the right was vested in Congress to prevent the reappointment of defaulters. The whole bill goes upon the general principle, that men shall not be retained in the service of the Government who are defaulters. It is a rule of common life, never to trust persons in such situation in regard to private concerns; and it is much easier to avoid any evils arising from their employment in private than in public concerns. He believed there was no provision which would do more good than this. As to foreign Ministers, if they are intrusted with the public money, it is always in the power of the President to prescribe the time at which they are to account for it. There could never be any difficulty on account of public Ministers—the President would always give them sufficient latitude for the settlement of their accounts.

Mr. **MILLS** believed, after hearing the statements of the gentleman from Maine, and the law he had read, that there had already been enough of legislation on this subject. He considered that law a very salutary one; but the provision in the third section of this bill was going to impose restraint on the power of the Senate, to appoint officers, which ought not to be imposed. Cases might occur in which the President was satisfied that the person ought to be reappointed to his office, and yet he could not be appointed, in consequence of this section in the bill. The most honorable public officer might become a defaulter by loss of documents, or from other causes. The Department might tell him that his account could not be settled for want of his vouchers; his term of service might expire before he could apply to Congress for relief. The President could not nominate him, although perfectly satisfied that he was not indebted to the Government; and, by this means, although best qualified for it, the person might lose his chance for reappointment.

Mr. **JOHNSON**, of Louisiana, said it had often happened, it might again, that the vouchers of persons residing in a remote part of the Government may be lost or mislaid in transmission by mail. If the third section of this bill is agreed to, it will be imperative; and will prevent the appointment to public office of any person who is in arrears to the Government, from whatever cause. He had known an instance of a gentleman who was reported as a defaulter to the Government to the amount of $30,000, who did not, in fact, owe the Government one cent. He had known several other instances of a similar nature. Those men, of course, from no fault of their own, would be prevented from being candidates for office, if this bill were passed in its present shape. Instances are every day occurring of loss of documents. He thought the former law amply sufficient in this respect, and that the veto which the Senate has upon all appointments was security enough. It requires great experience to become acquainted with all the rules prescribed for the settlement of accounts in the different departments; there was great liability to difficulty in the business; they were frequently sent back for further explanation; great injustice might be done to individuals by the bill now proposed. They receive money to be disbursed for the public account, which is charged to them; and thus they become indebted to the Government, although they are not defaulters; or, they may not have been able to disburse the money, and render their accounts, within the time prescribed. He thought the law which before existed was sufficiently guarded in this respect.

Mr. **SMITH** said, that this discussion had suggested an idea to him which might be worth consideration. He did not know that the Senate could restrain the President in the appointment of any person to an office. Suppose the law should pass, and the President should appoint to office a person indebted to the Government. The Senate has a right to reject a person, when nominated, if he is indebted to the Government—but has Congress any right to impose rules for the Executive in this respect? Mr. S. said that he himself had once been stated to be a great public defaulter, although he never had any money concerns with the Government. He had a power of attorney to receive money for another person, which had been paid to him, and remitted to the person to whom it belonged; the money had been charged to him on the Treasury books, and he was reported as a defaulter, although he did not owe the Government a cent. If the President had seen fit to nominate him for any office, which probably had never entered his mind, he could not have done it, under this section of the bill, from his being stated as a public defaulter. Mr. S. did not see the necessity of this provision, as the Senate had already a right to reject any nomination which might be made.

Mr. **LOWRIE** thought the arguments which had been urged against the third section of this bill would apply equally well to the first and second sections. If it is imperative to withhold the appointment to office of those who are in arrears to the Government, it is also imperative to withhold their salaries while they are in the offices.

Mr. L. did not think the supposed cases of hardship could often occur. Many persons might have public moneys in their hands for certain purposes, and yet not be indebted to the Government. By fixing this qualification, the Senate would be relieved from great difficulties in investigating these subjects. He was, therefore, decidedly in favor of the bill as it now stood.

Mr. **LANMAN** appreciated as much as many could do the principle of this section of the bill, so far as it went to the protection of the Treasury. He was in favor of every provision which would go to preserve the purity of the modes in which money was to pass from the Treasury, and to prescribe accountability to public agents. He was willing to consent to the third section of this bill, if it went no further than the provision of which he had spoken: but he feared it involved something more than that—that it contained a disfranchisement of a great part of our fellow-citizens from office. A man might have been indebted to the Government, fifteen years ago, to the amount of a thousand dollars; and being unable to pay, from want of evidence to prove his having paid the money, for the purpose to which he ought to have applied it, he would be thus disfranchised from holding any office under the Government. He asked if this could be done under the Constitution? It would operate in a criminal and penal point of view. Upon these grounds, he would be compelled to vote against it, although he was willing to vote for any fair provision for the protection of the Treasury.

Mr. **HOLMES**, of Maine, said he really had not expected a Constitutional objection to the disqualification of a public defaulter from being any longer a receiver of public moneys. He thought Congress had a right to prescribe qualifications for the officers appointed under the laws. Is there no right to prescribe that the Judges of the Supreme Court shall consist of persons learned in the law? or that no foreigner shall be employed in any department of the Government? Have we a right to prescribe these qualifications, and yet no right to prevent delinquents from holding offices of trust? If a collector becomes a delinquent, not from his own fault, his appointment can always be suspended until he has time to correct the evil. If the collector denied, the bill provides that it shall be the duty of the agents of the Government to institute a suit to try the case. In the present mode of appointment, the persons who hold the offices do not know what rules the Senate prescribes in acting upon Executive nominations; but, if the provisions of this law are adopted, the rule will be known and provided against by those who wish to be appointed. He apprehended that the Constitutional objection was not well founded.

Mr. **PARROTT** inquired if there was any precedent to authorize the prescribing rules to the Executive, in regard to appointments to office. He believed this section of the bill to be unconstitutional.

Mr. **MILLS** thought the question of the right to prescribe qualifications for offices, a very important one; and one which ought to be well considered before it was acted upon. The Constitution does not require that any officer, except the President and Vice President, shall be native born citizens of the United States. The Constitution provides certain qualifications for Senators and Representatives in Congress. Will it be contended that we have the right to add any qualifications to those already required by the Constitution for those officers? We have no more right to prescribe rules to the Executive, for nominations and appointments, than to the people, with regard to their Senators and Representatives. Have we a right to say that the Executive shall not nominate a person for any office, who is not forty years old, or who is not worth thirty thousand dollars, for the office of Collector? But, Mr. M. said, he objected to this provision on the ground of expediency alone; he thought we ought not to make too much regulation on this subject; that if this law had existed from its first establishment, it would have deprived the Government of the services of some of its best citizens. Among other instances, he mentioned the case of Captain O'Brien, our former Consul General to the Barbary Powers, who had been reported a defaulter, in consequence of the manner in which he was obliged to settle his accounts in Tunis—and of General Lincoln, the venerable Collector of the port of Boston, who had formerly been an agent to make a treaty with the Creek Indians, and stood charged on the public books with property distributed as presents to the Indians.

Mr. **BRANCH** said that Congress could have no right to prescribe qualifications for those offices which were fixed by the Constitution—but on the qualifications of the under officers of the Government, the Constitution was silent; we had no right to superadd to the Constitutional powers; but, where none are prescribed by that instrument, Congress has the right to make them. We have certainly the right to see that the duties of these offices are discharged faithfully and vigilantly, and to keep delinquents from them.

Mr. **KING**, of New York, said that in all the accounting offices, the laws prescribed qualifications for the persons who fill them. Where Congress has the right to create the offices, it has also the right to prescribe the requisite character of those persons by whom they are to be filled. For the collection of revenue, the imposition of taxes, &c., Congress has a right to make laws, and to provide for the appointment of the necessary officers, under those laws, and to prescribe the qualifications for them. If the officer is created by the law, he is subject to such regulation as the wisdom of Congress may impose. The older governments grow, the more lax they are apt to become, in their provisions for the accountability of their officers. Great sums of money must, necessarily, be paid out, through individual agents, and the object is, to protect the nation against the appropriation of the money to the private purposes of the agents. Corruption of public officers had been the greatest bane of governments. The fact whether a person really was a public defaulter, or not, Mr. K. conceived to be easily ascertainable, and, if he were so, he ought not to be appointed to any office. It had been the custom, upon nominations from the Executive, to reject such as were known to be public defaulters. Great benefit had resulted from this practice. In some cases, the provision in this bill might operate against persons who were not, in fact, indebted; but those instances would be rare, and others, equally qualified, might then be appointed to the offices—men, as good, as efficient, and as honest. On the whole, he thought no great public disadvantage could arise from the passage of the bill; and, on the contrary, that it would be of great benefit to the Government; that bad administration and bad morality were encouraged by laxity in this respect. If the case of a public officer were suspicious, it would always be better to get a man who was not so circumstanced.

Mr. **HOLMES** made some further remarks on the subject.

The motion of Mr. **MILLS**, to strike out the third section, was lost.

Mr. **JOHNSON**, of Louisiana, moved to amend the bill so as to provide that a person should have been indebted one year, to prevent his appointment to office. After some discussion, this amendment was rejected.

The bill was then reported to the Senate, and passed to be engrossed and read the third time.

WEDNESDAY, February 11.

The **PRESIDENT** communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate of the 19th ultimo, accompanied by two statements, showing the names of those Pursers and Navy Agents who are in arrears to the United States; and the report was read, and ordered to be printed.

Mr. **LOWRIE** presented the petition of William L. Fisher, and others, of Germantown, Pennsylvania, praying that no additional duty be imposed on imported wool; which was read, and referred to the Committee on Commerce and Manfactures.

Mr. **KING**, of New York, presented the petition of M. Hoffman, and others, auctioneers, of the city of New York, praying that no duty be imposed upon sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

On motion of Mr. **KING**, of New York, the memorial of the Chamber of Commerce of the city of New York, presented on the 9th instant, was referred to the Committee of Commerce and Manufactures, to consider and report thereon.

Mr. **JACKSON**, from the Committee on Military Affairs, to whom was referred the bill for the gradual supply of cannon, bombs, and howitz, for the fortifications, reported the same with amendments; which were read.

The bill for the relief of the legal representatives of Andrew Mitchell, deceased; and the bill to authorize the employing of certain assistants in the General Land Office, were, severally, read the second time.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was further postponed to Monday next.

The bill better to secure the accountability of public officers, and others, was read the third time, and the title amended, to read, "An act to secure the accountability of public officers, and others." The bill was then passed.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt, and it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to procure the necessary surveys, plans, and estimates, upon the subject of Roads and Canals;" "An act to authorize the issuing of letters patent to Samuel Brown;" and, "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were severally read, and passed to a second reading.

On motion, the bill, entitled "An act to authorize the issuing of letters patent to Samuel Brown," was read the second time, by unanimous consent; and referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the consideration of the bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States; and, on motion, the consideration thereof was further postponed to Wednesday next.

DRAWBACK ON CORDAGE.

The bill proposed by Mr. D'WOLF, and reported by the Committee on Commerce and Manufactures, allowing a drawback on the exportation of cordage, manufactured from foreign hemp, was taken up for consideration, in Committee of the Whole.

Mr. D'WOLF rose in support of the bill. He said it was not by any argument of his own that he expected to convince the Senate of the propriety of this measure; but, if he could state facts, such as had convinced his own mind, and draw inferences from those facts, he hoped they might have some effect upon others. The bill under consideration was no new project; its good effects have been experienced almost as long as this Government has existed. The millions of dollars which have been exported, in rum and refined sugars, under this system of returning the duties on the raw material, when manufactured, and sent out of the country for consumption, has not only given employment to our ships and to our home industry, but has enriched our Treasury, by furnishing the means for imports, in this way—which imports the country could not have had without the adoption of this measure. You now return the duties, in all cases, provided the article remains the same at the time of exportation as when imported. Much more should you do so, when, by your own industry, value has been added to the imported article. The object of the bill now under consideration, Mr. D'W. said, was to create means for imports, to extend our trade with South America, and to encourage home industry. It proposes to allow the drawback on one article only, with the hope that the subject will be more fully understood, and the principle extended to other articles. A refusal to extend the drawback system to the manufacturers of the country, and to the mercantile interest, and to return the tax levied on the raw material imported, amounts to a prohibition of the exportation of the produce of the national industry in that shape; for the tax thus amounts to two freights on the manufactured article. The value added by manufacturing to the imported raw material constitutes a part of the industry of the country, as much as tobacco, cotton, grain, or any other produce for exportation, which is protected by the Constitution from taxation when taken out of the country. It is, then, no more than fair and equitable that these other products of industry should be exempted from taxation when carried out of the country for consumption. Common justice and sound policy require that all the productions of our industry should be placed upon the same footing. By the adoption of this measure, the Government does not abandon the interest it has in the property exported; it only suspends the collection of the tax. It is a forbearance to take out the toll or exaction for the present; it permits the share which the Government has in the property to be carried from the country, that it may be brought back again, increased in value, and better fitted for consumption; at which time, the Government will not fail to exact and receive its portion. The Government has an interest in every thing that goes out of the country, as furnishing the means to obtain that which is to come into it. Are not the policy and justice of a measure obvious, which gives all branches of our industry a fair and equal opportunity of finding markets abroad? Will it not have a tendency to increase the aggregate of our imports, and give more means for their consumption, by giving employment and encouragement to home industry and to commerce? Will not the extension of the drawback system add to our exports? And are not imports dependent upon exports? If the operation of this measure would lessen the domestic consumption of hemp, it would be some ground on which to build an argument as to the effect on the home growth, and on the revenue. But, on the contrary, it will increase the consumption of the imported article, because it will increase the employment of vessels—and can an increase of the consumption injure the home grower? If the bill would cause any diminution of the exports in raw materials of any kind produced in the country, Mr. D'W. said, he should expect it would be opposed; but he thought it could not be pretended that such a result would follow. On the contrary, the increased demand for tar, which this measure will cause to be worked up and exported, is worthy of consideration.

To confine those who manufacture articles for exportation to the use of the domestic raw material, when such raw material is not produced in sufficient quantity even for the consumption of your own country, is, in fact, a prohibition of the exportation of this branch of your industry; because, your merchants, under such circumstances, can find no markets abroad in which they can vie with the foreign competition in the sale of such articles, as foreigners can carry them to market free of the tax which our Government has levied on the raw material. The giving a preference to foreign hemp for exportation is no preference for the home use; and it is to the home use only that the domestic growers can look for a market: none of our productions go to the foreign, until the home market is supplied. How can you think of supplying foreign markets, when you cannot supply your own, with all the advantage that the duties, freight, and other expenses of importation give you? It is only the surplus productions that go abroad. There would, perhaps, be some danger that the drawback allowed will exceed the amount of duties collected on the hemp when the domestic production of it shall exceed the consumption, but not until then.

But, never can the measure, at any time, or in any event, prove injurious to the home growers of the raw material. Suppose Louisiana produced as much sugar and molasses as the United

States consumes at this moment—would the drawback allowed on refined sugar, and rum distilled from imported materials, be an injury to the Louisiana cultivation of the sugar cane? Mr. D'W. asked, how? It certainly would not lessen the home consumption, to which he looks exclusively for a market, nor prevent his exporting, if a surplus were produced. And much less could such injury be suffered as the fact now stands; when there is not, perhaps, one-fourth part the sugar and molasses made that is consumed in the United States—probably not one fiftieth part of the hemp.

This measure, if it is adopted, will give new employment to our shipping, and our domestic manufactures, to the whole extent of the business done in the way contemplated; for it cannot be done at all without it; and, if you extend the policy, this employment will be extended without taxing any other branch of industry whatever. If it were true, that granting the drawback would cause one pound less of domestic hemp to be worked up, or used in any way, or would take one cent of revenue from the imported article, there would be some apology for opposition to it. It will be advantageous to the farmer, as all branches of industry give means for purchasing the surplus provisions, and raw materials, which are seeking a market. If, then, this measure will benefit two great branches of industry, without incurring the odium of being chargeable upon any other, it is certainly worth the experiment. Mr. D'W. said, he thought the true policy of the country would be to carry much further the system of returning duties on imported raw materials, when manufactured, and taken out of the country for consumption. When the country produced them, in sufficient quantities for its own consumption, his solicitations would be abated; although, even then, there might be good reasons for continuing the policy, until the country should give enough of the raw material to supply its manufacturing labor, both for home use, and for exportation. But, when the home production of the raw material comes up to the consumption of the manufactured article for home use, there may be some reason to refuse the drawback, and confine the manufacturer to the use of the raw material produced by his own country; but infinitely more reasonable and honorable would it be for the agriculturist to wait until he could give the raw material as cheap as other countries, before he confines the manufacturer to the use of his own productions; thus leaving both those branches of industry to compete in foreign markets, with the industry of the world, on even ground. For the agriculturist to use the power which he so justly holds, and which he ever ought to hold, to confine the manufacturer and mechanic to the use of the domestic raw material, which he will not, cannot, or does not supply, thus drying up the streams of industry, which should always be kept open and free, is unreasonable, unjust, and cruel. The proper object, with the legislator, is, to make the most of the skill and industry of this country, in the aggregate, to economise the employment of his national family; opening the markets, both domestic and foreign, for his own productions, in all shapes, upon fair and equal principles. The merchant and the manufacturer are only asking the same privilege of exporting the products of their industry, as the farmer does, free of taxation. It may as well be said that the laws regulating the moral conduct of the citizens are destructive of their liberty, as that the regulation of trade abridges the freedom of it. All branches of trade and industry are, and always ought to be, left free to seek their own level, under the laws. Mr. D'W. said, he was fully in favor of taxing foreign productions imported into our country, for the encouragement of all branches of our own industry, as is the practice of other nations, where the policy of such a measure was obvious. Indeed, he considered that we were drawn into that course by other nations having adopted it. If nobody had put up any fences, we could all cultivate the earth, and enjoy the blessings of Providence in common; but when our neighbors have all made their enclosures, and we leave our portion common to all, we must expect that others will have great advantages over us.

As to the narrow policy of retaining in the country the redundant imports, lest the Treasury accounts should not show so large an amount, at the moment, it is altogether fallacious; for the revenue received on your imports, not consumed, is only an anticipation of your income, as was shown in the article of hemp, the year before last, when we imported 8,835 tons, which was, at least, 3,000 tons more than was consumed. The consequence was, that only 2,693 tons were imported the last year. These facts show that importation, beyond consumption, is no advantage to your revenue; and, when such an excess of importation occurs, you may as well allow it go out of the country, and allow the drawback upon it, as to retain it in the way of your next year's importation. That which is imported, and the duties upon it secured, is domesticated and naturalized; and makes a part of your common stock, with that of domestic growth. When this common stock is greater than is wanted for the use of the country, will it not be better for the home-grown hemp that you allow some of it to be taken out of the country, after working it up, and return the price, by the payment of which it became naturalized, than to keep it on hand in the way of another season's supply? The surplus cannot be taken out of the country in the same state in which it was imported.

Mr. D'WOLF remarked, that he had no personal interest in the passage of this bill; but was induced to advocate it from his knowledge of the beneficial effects it would produce to those who were interested in this manufacture. He had been told by Mr. Lewis, of Boston, who has extensive works for the manufacture of cordage, that application was made to him, by a merchant from South America, for a hundred tons of cordage. Mr. Lewis named the lowest price at which it could be furnished, but the gentleman replied that the cordage could be procured in England on more favorable terms. On investigation, it was ascertained that he could purchase it twenty-five dollars per ton cheaper, in England, and that this difference in price was altogether owing to the fact that the English, who obtain their hemp from the same country whence we procure ours, allow the drawback on exportation of the cordage.

Mr. D'WOLF begged gentlemen, who advocate the interest of the makers of iron, to compare their application to Congress for an increase of duties on the imported article, with that of the workers of hemp, who only ask, upon the same principle that is contained in this bill, that the produce of their labor should be allowed to go to market unshackled with the tax you have levied on the raw material. We have arrived at manhood in these branches of manufacture. Our skill, our machinery, and our industry, are equal to any in the world; the capital is invested; the works are complete; the workmen have acquired the art; they more than supply the country with the produce of their labor, and are desirous to carry it to foreign markets. The system is shown to be practicable by the operation of that part of it which has already been adopted. All experience proves that it is practicable. We have practised it for thirty years, and benefited the country to the amount of millions, by the practice.

If the American merchant goes to Russia, and purchases his cordage, manufactured with Russian tar, and with Russian labor, you allow him, for his own convenience, to bring it into your ports, and bond it; and when he exports it, you permit him to draw back the duty; thus giving encouragement to the foreign industry which produces the tar and manufactures the cordage, in preference to the industry of your own country. The bill now under consideration proposes to give this encouragement to our own citizens, instead of foreigners.

Mr. FINDLAY said, he had made up his mind, at the last session, in regard to this bill, and he had heard no reason since, which induced him to alter his opinion; but, as the new tariff bill, if adopted, would have some effect upon this bill, he hoped it would be laid upon the table for the present.

Mr. SMITH said he was sensible that there was very little chance of passing this bill. He presumed that most of the members had made up their minds upon the subject at the last session; but, as there are some new members, who were not present at that time, he wished to express his views upon it. The principle contemplated in this bill, he said, was not a new one. It had been in operation almost ever since the first establishment of the Government. A drawback of the duties on the exportation of imported articles has long been allowed. On the exportation of rum manufactured from foreign molasses a drawback of the duties on the raw material is permitted. This gives employment to the industry of the United States. If you did not do this, you would prevent the importation of the molasses, and the exportation of the rum. In the article of loaf sugar, too, the exporter is allowed to draw back the duty on the raw material. During the late war, a tax was imposed upon whiskey. The agricultural interest insisted that the tax should be drawn back upon exportation. We should have shut ourselves out of all foreign markets for the article, if the drawback had not been allowed. Mr. S. thought the Government had no right to give bounties for the exportation of any article; nor did the present bill propose any such thing, but only to allow a drawback, on the exportation of the manufactured article, of the duty on the raw material. Hemp is an exceedingly bulky article—we have to go a great way for it—it pays a heavy duty. If that duty is not refunded, on exportation, you completely prevent your merchants and manufacturers from a competition, in foreign markets, with the merchants and manufacturers of other countries. It is no more than a fair principle to grant it. It will give employment to a large portion of our shipping. It will assist in making up our assorted cargoes for the South American markets. We stand in a peculiar relation to the South American States. We were the first to acknowledge their independence, and to recognise them as nations. And shall we now shut ourselves out from the enjoyment of their trade? In England, the drawback is allowed on every imported article, when exported, in whatever shape it may appear; and this is one of the great principles of trade which has raised that nation to its present commercial greatness. We are now about to pursue a course to encourage all the manufactures of the country. Mr. S. said he was perfectly willing to do this, so far as it could be done without breaking down other branches of business. He was surprised that gentlemen who were so willing to tax all imported articles, to favor manufactures, were not willing to grant this drawback upon the same principle. The trade to South America is a very important one. We may, to a considerable extent, supply their markets with every article they want, upon which we are not compelled to pay a duty to our own Government. That trade is annually increasing. We export to that country great quantities of soap and candles, the manufacture of which gives extensive employment to our people. It is now proposed to lay a high duty on foreign tallow. The duty has, hitherto, been so small, that the manufacturers of those articles could enter into a fair competition with those of other countries, in foreign markets.

It is provided in the Tariff bill, which proposes to increase the duties on foreign tallow, that the duties shall be drawn back on the exportation of the candles manufactured from it. We now export a great many articles to South America, such as furniture, saddles, hats, boots, shoes, iron castings, &c. Of these the raw materials are the products of our own country, and there is, of course, a fair competition. We hold it as a principle, that where men do their work, exclusive of the use of the foreign article, they should be allowed to export the products of their labor, and have the advantage of fair competition. In the articles we export to South America, most of them are free from duty. We export a large quantity of hats; and we allow furs to be imported into this country free from duty. Our hat makers are, consequently, enabled to work as cheap as those of any other country. Castings of iron are, also, considerable articles of export to South America, and the demand for them is daily increasing; for these the raw material is produced in our own country. So in regard to our cotton goods; large quantities of certain kinds are exported to Mexico, Laguira, and other places; no duty is paid on the raw material. They value our cotton goods more than those of any other country, and Mr. S. hoped they would continue to take them. But, if we had a duty to pay on them, we certainly could not export them. They do not require a drawback, because they pay no duty. If he thought this measure would go to reduce the revenue, Mr. S. said, he should not support it; he believed it would not have that effect, but that it would rather tend to increase the revenue. There would certainly be a saving of two and a half per cent. of the duty on the raw material; as the Government always reserves that amount out of the duties drawn back. He believed the bill was bottomed upon a sound principle; he was not able to perceive any thing objectionable in it, unless it was that, in drawing back the duties, there might be a loss to the Government, from the unusual quantity of tar made use of in manufacturing the cordage; and he conceived that there could not be much danger in that respect. If the bill should pass, it would enable the manufacturers of this country to suuply South America with cordage; and a great many vessels would be employed in the business to which it would give rise.

Mr. LLOYD, of Maryland, inquired if the honorable member from Rhode Island could inform him what were the prices of the foreign and domestic hemp, in our own markets, at the present time.

Mr. D'WOLF was not able to give the price of domestic hemp; he did not know of any recent sales of that article. Russian hemp was quoted at about $180 per ton. Sales had lately been made, in New York, at about $175.

Mr. LLOYD, of Maryland, had not intended to say any thing upon this subject, but he now felt it his duty briefly to express his views on it. He understood that American hemp was not in as good demand, in our own markets, as formerly, and he thought the allowance of drawback on cordage, manufactured from foreign hemp, might have a tendency to reduce it still lower. The domestic growth of the article would be extinguished, because it could not then meet the competition of the foreign article, which is much more esteemed abroad. He thought the opportunity of the South American markets would be very advantageous to the home growers of hemp. The cordage made of foreign hemp might now be exported; but that which was not made of foreign hemp ought to be permitted to be exported, with the privilege of being exempt from duty. The allowance of this drawback would cause an increased importation of the article—the demand would not equal the supply—and there would be a consequent and general fall of the article. There would be such a quantity in the market, that no man could turn his attention to the growth of it. The raw material would then be sold at a loss, rather than encounter the risk of a foreign market. Can it be policy to discourage the home growth of the raw material, when we have a great portion of soil that is peculiarly adapted to it? Why discourage those who are willing to turn their attention to it? He considered this bill as offering a bounty to the growth of foreign hemp. On one hand we are told that the interests of the country require that we should discourage the importation of all raw materials; and now, on the other, we are besought, for the same reasons, to encourage their importation, and God knows what we shall come to between such discordant propositions. A drawback is allowed on iron cables; and they are, very frequently, used on board the vessels that carry them out, and obtain the drawback upon them. If persons choose to rig their vessels with ropes, upon which they have received the drawback, how are you to prevent it? If iron cables are used in this way, why may not cordage be? Mr. L. thought it would furnish great opportunities for fraud.

Mr. DICKERSON said it appeared to him that the Senate had, at the last session, all the information it could obtain upon the subject. But he now rose to move a postponement of the bill, because he thought it ought to follow the tariff bill, as it was necessary to ascertain what duty would be laid upon hemp, before it was determined what drawback was to be allowed upon the cordage. If the tariff was to be altered, the amount of drawback could not now be fixed. He thought the honorable gentleman from Rhode Island would not risk the fate of the bill, in point of time, by waiting till then. Mr. D. expressed himself in favor of the general system of allowing drawback; but he was not disposed to extend it to manufactured articles, the raw material of which was produced in our own country. If molasses had been produced in the country at the time the law passed allowing a drawback on rum manufactured from foreign molasses, he presumed that drawback would not have been allowed. There was much less inconvenience in allowing drawback on articles exported in their original state—packages in bulk could be easier identified, and were not liable to alteration; and on articles which we do not produce ourselves, the remission of the duties was, unquestionably, beneficial. But as the discussion of this subject would come in more properly, after the fate of the tariff bill had been decided, he moved to lay the bill on the table. The motion was, however, withdrawn, to give way for further discussion.

Mr. TAYLOR, of Virginia, said he did not perceive any good grounds why manufactures of foreign articles should be exempted from the duty on the raw material. He thought it was giving preference to the manufacture of the foreign article, and that it was wrong, as a principle of justice, that the manufacturer should be exempted from paying his quota towards the expenses of the Government. Upon the first view of the case, it certainly appears to be unjust that the burden should be thrown exclusively upon the agricultural interest. It may be that this trade, in England, pays no duty on the raw material, and yet we may impose such a duty, and still our manufacturer be on a better footing than the English. The manufacturing labor of England may not be taxed in this way, and yet there are so many other ways in which they are compelled to pay taxes, that, though we are subject to duty, we may be able to undersell them in this article. The equity and the liberality of our laws may afford us this advantage. Gentlemen may see the danger of great principles in the consideration of small items which involve those principles. We have a vast deal of capital employed in manufacturing, which pays little or nothing towards the support of the Government. In England it pays a great deal; that branch of industry is relied upon for the support of Government. Our free and equal laws give prosperity to that species of labor. But if we exempt that great mass of labor from paying their proportion towards the support of the Government, and put the burden upon others, Mr. T. said, the result might be such as he had rather contemplate than express.

Mr. LLOYD, of Massachusetts, said he had not intended to trespass again on the Senate upon this subject. He set too little value on his own opinions to be willing to repeat them even at twelve months' distance. He had taken occasion, at the last session of Congress, to express his sentiments on the benefits resulting from the system of drawbacks, which, in a commercial point of view, he considered as one of the most beneficial arrangements which had ever been adopted by the Government. Without it, importation must be narrowed and limited precisely by the consumption of the country. Importations might fluctuate in different years; sometimes more and sometimes less than was required; but, without this allowance of drawback, no exportation, of cordage especially, could take place; and, without exportation, the importation must be limited by the consumption of the country; for no man would buy what he could not sell, if his object was profit. The drawback system also leaves a benefit to the revenue; as a part, though not a large one, is always restrained from the duties.

The honorable gentleman from Maryland (Mr. LLOYD) has asked, if we are willing to give a bounty on foreign, instead of domestic hemp; to encourage foreign agriculture instead of our own? Mr. L. said, he was willing to consider it as a bounty; but it was a bounty to our agriculturists, to our commerce, and to our manufactures. We must pay for the hemp we buy, with our produce—by its exportation, in the first instance, to furnish funds to purchase hemp—to our ships to carry it. And the drawback would give encouragement to our domestic manufactures, by enabling them to go into markets which they cannot now enter; as cordage, without the drawback, is dearer in this country than in any other in which it is manufactured.

When it suited the purpose, Mr. L. said, we were very fond of quoting the example of Great Britain. What had it been, generally, with objects of this description? Great Britain admits the raw material free of cost, in many instances, and allows a bounty on its exportation, when manufactured at home. What do we, in respect to the article of cordage? We tax the raw material heavily, and deny any bounty on it, when manufactured and exported; but we allow a drawback on imported cordage, which has been made in Russia—thus giving a bounty to the Russian manufacturer, and denying it to our own.

The operation of this measure could not, as he believed, be unfavorable to the growth of domestic hemp. We have imported hemp, under heavy duties, for thirty or forty years; during which time, attempts have been repeatedly made to supersede the use of it, by the introduction of domestic hemp. He was sorry to say, that the experiment appeared to have failed. From some unfortunate circumstance, we could not cure the hemp sufficiently well, to bring it into general use; and, until this were done, we must continue to import hemp, if we are to continue to have navigation. He doubted if, at this moment, ten tons of domestic hemp could be found in any city on the seaboard of the United States, from New Orleans to Portland. He hoped that a drawback would be allowed, not only on cordage, but on many other articles manufactared from foreign materials; as the system presented an evident means, as he thought, of furnishing increased employment for our people, as well as encouragement to our agriculture and our commerce. If it was thought better to regulate the details of the bill, after a decision was had on the revision of the tariff, he did not know that there would be any objection to that course—he did not propose it, however; and hoped, at any rate, that the principle of the bill would be adopted.

On motion of Mr. LANMAN, the further consideration of the subject was postponed till Monday next, and made the order of that day.

THURSDAY, February 12.

The PRESIDENT communicated a report of the Secretary of the Navy, transmitting a statement of the contracts made by the Commissioners of the Navy during the year 1823.

The PRESIDENT also communicated a letter from the Secretary of the Treasury, transmitting statements of the commerce and manufactures of the United States, during the year ending on the 30th of September, 1823; and, on motion of Mr. LLOYD, of Massachusetts, six hundred and fifty copies thereof were ordered to be printed for the use of the Senate.

Mr. TALBOT, from the Committee on the Judiciary, to whom was referred, on the 22d ultimo, certain resolutions of the Legislature of the State of Alabama, reported a bill to repeal in part the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;" and the bill was read, and passed to a second reading.

Mr. **Chandler** presented the petition of Reuben Colburn, praying the payment of a balance due him for services and disbursements during the Revolutionary war; which was read, and referred to the Committee of Claims.

Mr. **Noble**, from the Committee on Pensions, to whom was referred the petition of Dean Weymouth, reported a bill for the relief of Dean Weymouth; and the bill was read, and passed to the second reading.

On motion by Mr. **Noble**, Moses Smith had leave to withdraw his petition, presented at the first session of the Seventh Congress.

Mr. **Noble** communicated a resolution of the General Assembly of the State of Indiana, requesting the members of Congress from that State to unite in any effort that may be made to alter the tariff, so as to encourage the manufacturing of domestic fabrics; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. **Johnson**, of Kentucky, from the Committee on Military Affairs, to whom was referred the petition of Alfred Moore and Sterling Orgain, made a report, accompanied by a bill for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey; and the report and bill were read, and the bill passed to a second reading.

Mr. **Johnson**, of Louisiana, asked and obtained leave to bring in a bill explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana and the Territory of Missouri," passed 29th April, 1816; and the bill was read, and passed to a second reading.

The Senate proceeded to consider the report of the Committee on the Judiciary on the petition of Ebenezer Oliver and others; and it was postponed to, and made the order of the day for, Monday next.

The bill from the House of Representatives, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals," was read a second time; and referred to the select Committee on Roads and Canals.

The bill from the House of Representatives, entitled "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," was read the second time, and referred to the Committee on Public Lands.

On motion of Mr. **Johnson**, of Kentucky, the bill to abolish imprisonment for debt was taken up in Committee of the Whole. Mr. **Mills** submitted his views upon the subject, at length; and some remarks were made by Messrs. **Johnson**, of Kentucky, and **Holmes**, of Maine. The further consideration of the subject was, on motion by Mr. **Johnson**, of Kentucky, postponed till Monday, next, and the bill was made the order of that day.

The bill "to authorize the laying out of a military road, from Fort St. Philip, on the river 'Mississippi, to the English Turn, for the defence 'of New Orleans," was taken up in Committee of the Whole. The amendment proposed some days since, by Mr. **Jackson**, to strike out the words "English Turn," and insert, in lieu thereof, "Johnson's plantation," and thereby limit the road to the lands belonging to the United States, was agreed to; as, also, was an amendment, proposed by the same member, to reduce the amount to be appropriated for this object, from sixteen to nine thousand dollars. The bill, as thus amended, was reported to the Senate, and passed to be engrossed and read the third time.

The bills reported by the Committee on the Public Lands, confirming the claims of Peter H. Hobart and Lewis Judson, and of the legal representatives of Charles Pairon, to certain tracts of land, were severally taken up, in Committee of the Whole.

Mr. **King**, of Alabama, stated the grounds upon which the claims were founded. The bills were then reported to the Senate, without amendment, and passed to be engrossed and read the third time.

The resolution authorizing the Secretary of the Senate to purchase one copy of Lucas's Universal Atlas, was again read, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and election of President and Vice President of the United States, together with the amendment reported thereto by the select committee, and, on motion, it was postponed to, and made the order of the day for, Tuesday next.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and it was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the bill confirming the claim of the heirs and legal representatives of Charles Parent, to two tracts of land; and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act authorizing the laying out and opening certain public roads in Florida;" and it was postponed to, and made the order of the day for, Wednesday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of James Johnson; and it was postponed to, and made the order of the day for, to-morrow.

On motion, by Mr. **Lloyd**, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill extending the terms of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of duty, on board the private armed ships of the United States, during the late war; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

And, on motion, the Senate adjourned until to-morrow.

FRIDAY, February 13.

Mr. **HAYNE** presented the memorial of William Drayton, and others, a committee appointed by the citizens of Charleston and its vicinity, setting forth the injustice that would result to the agriculture and commerce of South Carolina, from an increase of duties on imported articles, and remonstrating against the passage of the bill, now before Congress, on that subject. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. **JOHNSON**, of Louisiana, presented the petition of J. F. Bertrand, and others, aliens, residing in Louisiana, praying certain modifications of the laws respecting naturalization; which was read, and referred to the Committee on the Judiciary.

Mr. **KELLY** presented the petition of James Ore, stating that he is the head of an Indian family in Alabama, and that, by the treaty with the Cherokee nation, a life estate in a portion of land was granted to him, with a reversion in fee simple to his children, upon condition that he reside thereon during life, and from which condition he prays to be released. The petition was read, and referred to the Committee on Public Lands.

Mr. **KELLY** presented the petition of Holden W. Prout, administrator of Joshua W. Prout, stating that the deceased held a number of discharges of soldiers, with powers of attorney to receive their pay, which the administrator cannot obtain without the aid of a law in his favor; and praying relief. The petition was read, and referred to the Committee on Military Affairs.

Mr. **JOHNSON**, of Louisiana, gave notice that, on Monday next, he would ask leave to bring in a bill supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the district east of the Island of New Orleands, in the State of Louisiana.

Mr. **NOBLE** communicated the following preamble and resolutions of the Legislature of the State of Indiana, viz:

"Whereas the further extinguishment of Indian title to lands within the State of Indiana, would greatly facilitate the intercourse of the whole Western country with the Eastern and Middle States, increase in a great degree the population of the Northern section of this State, tend to improve the navigation of our rivers in the interior, and further the grand object of effecting a canal communication between the waters of the Ohio and the Lakes:

"*Resolved*, That our Senators be instructed, and our Representatives in Congress requested, to use their best exertions to procure an appropriation by Congress for the purpose of effecting this desirable object, and in all respects to promote the object of this resolution.

"*Resolved*, That his Excellency the Governor, at as early a period as possible, forward to our Senators and Representatives in Congress, a copy of the foregoing preamble and resolution, accompanied with a request that the same be laid before Congress for their consideration."

Which preamble and resolutions were read, and laid on the table.

Mr. **BARTON**, from the Committee on Public Lands, to which was referred the bill, entitled "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," reported it without amendment.

On motion, by Mr. **RUGGLES**, the Committee of Claims were discharged from the consideration of the petition of Conrad Ten Eyck; and it was referred to the Committee on Foreign Relations.

On motion, by Mr. **BARTON**, the petition of John Forbes & Co., and of John McAllister, were severally recommitted to the Committee on Public Lands, with instructions to report a bill authorizing either John Forbes & Co., or John McAllister, to institute a suit in the District Court of the United States, at Mobile, for the purpose of ascertaining who has the best right to hold the land in question, and to release to the party who may ultimately succeed, whatever right the United States may have in the said land.

Mr. **TALBOT** submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so modifying and changing the 25th section of the Judiciary act of 1789, as to authorize the removal of the causes therein provided for, by either of the parties, before trial from the State court, in which any such case may be pending, to the court of the United States of original jurisdiction in like cases, for final trial and adjudication, instead of the appeal, or writ of error, which is allowed by the provisions of the said act, to be taken for the reversal of the judgment, or decree, of the highest court of law of the State in which suit may have been pending, by the Supreme Court of the United States.

The bill to authorize the President of the United States to cause to be made a military road from Fort. St. Philips, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans, was read the third time, and the title amended, to read, "An act to authorize the President of the United States to cause to be made a military road, from a point opposite to Fort St. Philip, on the river Mississippi, to Johnston's Plantation, as an auxiliary to the defence of New Orleans."—The bill was then passed.

The bill confirming the claim of Peter H. Hobart and Lewis Judson to a tract of land, was read a third time, and passed.

The bill extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war, was read the third time, and passed.

The resolution authorizing the purchase of a copy of Lucas's Atlas, was read the third time, and passed.

The bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; the bill for the relief of Dean Weymouth; the bill for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey; and the bill explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana and the Territory of Missouri," passed 29th April, 1816, were severally read the second time; and, on motion, the last-mentioned bill was referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and it was laid on the table.

The bill introduced by Mr. JOHNSON, of Kentucky, and reported by the Committee on Claims, for the relief of James Johnson, was taken up in Committee of the Whole. The bill authorizes Mr. Johnson, who was a paymaster in Colonel Johnson's mounted regiment of volunteers during the late war, to be credited on the books of the Treasury, with $4,302 75, being a balance he now stands charged with, constituted by the payment of a greater sum, for rations and forage, than was warranted by the law of 1795.

The report of the committee having been read, Mr. BARBOUR, in answer to Mr. KING, of New York, who requested information on the subject, made a statement of the facts in relation to the claim. And, after some further remarks upon it, by other members, the bill, on motion of Mr. KING, of New York, was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill releasing a certain tract of land to the heirs and legal representatives of John Forbes; and, on motion, it was recommitted to the Committee on Public Lands.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," together with the amendment reported thereto by the Committee on the Judiciary; and, on motion, it was ordered to lie on the table.

The bill from the other House, for the relief of Walter S. Chandler, was taken up as in Committee of the Whole. This bill merely provides, that payment shall be made for certain certificates of stock, destroyed by fire, upon the petitioner giving sufficient security that the same will not again be demanded. The bill was reported to the Senate, and passed to a third reading.

The bill from the other House, for the relief of the legal representatives of John Michael, was taken up for consideration. This bill merely authorizes the Secretary of State to deliver up to these claimants a certain certificate of the New England Mississippi Land Company. Mr. ELLIOTT stated the grounds of the claim. The bill was reported to the Senate, and passed to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; and, on motion, it was postponed to, and made the order of the day for, Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill to regulate the surveying of the public and private lands in the southern part of Alabama; and it was laid on the table.

MONDAY, February 16.

Mr. HOLMES, of Maine, presented the petition of James B. Fiske, and others, merchants, residing on Penobscot river, praying that that part of the shores of said river, above Orphan Island, may be made a collection district, with Frankfort as the port of entry; and Bucksport, Bangor, and Hampden, as ports of delivery; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. HOLMES, of Maine, presented the petition of Moses Atkinson, and others, praying to be remunerated for losses sustained while in the naval service of the United States, in the late war with Great Britain; which was read, and referred to the Committee on Naval Affairs.

Mr. FINDLAY presented the memorial of a committee appointed on behalf of the volunteer corps of Carlisle Artillery, praying that the company may be received into the service of the United States for the term of one year, for the purpose of improving themselves in military science; which was read, and laid on the table.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others; and, on motion by Mr. VAN BUREN, it was postponed to Wednesday next, and the documents accompanying the petition were ordered to be printed for the use of the Senate.

The Senate proceded to consider the motion of the 13th instant, to instruct the Committee on the Judiciary to inquire into the expediency of modifying the judiciary act; and it was laid on the table.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was laid on the table.

The bill for the relief of Walter S. Chandler, was read the third time, and the title amended, to read, "An act for the relief of Walter S. Chandler and Samuel Ward." The bill was then passed.

The bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the third time, and passed.

IMPRISONMENT FOR DEBT.

The Senate then proceeded, as in Committee of the Whole, to the further consideration of the bill to abolish imprisonment for debt.

Mr. R. M. JOHNSON, of Kentucky, said, he rose with some confidence, created by the intrinsic merit of the subject, and not from any conviction of talent in himself for public speaking. Is it expedient, said he, to abolish imprisonment for debt? This is the question. I am in favor of a total abolition, without any conditions, either previous or subsequent. I wish it distinctly understood that I am willing that the remedy against the property of the debtor should be extended as far as any reasonable man can require. But to allow the body of a citizen, under any circumstances, to be imprisoned at the discretion of his equal, in any civil action, of whatever description, I consider a most flagrant violation of personal liberty. If, in the private transactions of individuals, any of the parties shall demean themselves in such manner as to incur the charge of criminality, let such conduct be considered penal. Give to the injured citizen his remedy in the property of the aggressor. Let the Government arraign the criminal, and in the establishment of his guilt, let punishment, proportioned to the crime, be inflicted. In case of assault and battery and breach of the peace, the injured party has his remedy for the damage which he has sustained. His lien should be solely against the property of the offender. But, for disturbing the harmony of society, the offender is properly subject to a criminal prosecution, and fine and imprisonment are his just desert. Here the line of separation between the jurisdiction of the criminal and civil code is maintained, as it should exist in all other cases. In case of a fraudulent suppression of truth, or the suggestion of a falsehood in private transactions, give the injured party reparation for the civil injury, and define fraud as you have felony—make it a part of the criminal code, and when, upon the solemnities of a Constitutional trial, guilt is detected, punish it as it deserves; humanity will not revolt at the proceeding—rectitude will rejoice. The line of jurisdiction between the civil and criminal code should be fairly drawn in every case.

In a country free as ours, civil injury and crime should never be confounded. Punishment is a retribution for offence, and is solely the prerogative of the sovereign power of the State. Civil injury is repaired by pecuniary satisfaction, and this the injured person has a right to claim.

But the moment you clothe one citizen with the power of depriving another of his personal liberty, whether for debt or for any other cause, where the State is no party in the suit, you establish a petty tyranny in the land, more extensive, more odious, more despotic and destructive, than the feudal system.

Let it also be recollected, that, to punish an individual for an alleged offence, which has not been defined, by law, previous to its commission, is a violation of the most sacred rights of freedom.

And where it is impracticable to define violations of the moral laws, so as to make them a part of the penal code, lest too much discretionary power should be confided to our courts to attempt the infliction of punishment, must be dangerous in the extreme. It is upon this principle that many violations of the moral law escape legal chastisement. The father who neglects to advance his son in virtuous and intellectual improvement, when both are within his power, who destines his ill-fated offspring to servile employment, until the age of political and legal independence emancipate him is not liable to the law, although the sentiment of all around him, condemns and abhors his sordid career. The son, who in the declining years of his father, has become possessed of his whole property, upon the understanding that the father shall be cherished and supported with filial tenderness and assiduity, and who yet abandons his hoary locks and woeworn features to poverty and wretchedness, is not obnoxious to the law, though he merits and possesses the reprobation of mankind; is disgraced in the estimation of the honorable and virtuous, and is a foul transgressor in the presence of his Creator. Why do these gross violations of every thing sacred in paternal affection and filial duty, pass without legal avengement? It is because the power of punishing would be liable to abuse; because it might, in some cases, endanger the liberty of the citizen. We therefore content ourselves with leaving these violations of nature and justice to the reprehensions of public sentiment. Christianity enjoins upon us the duty of benevolence and charity towards all mankind; yet, whoever seriously regarded such an injunction as a proper subject for public legislation? It is upon principles such as I have mentioned, that I would abolish imprisonment for debt in every possible form.

Communicate and confirm this power, and you place an innocent and unfortunate debtor on the same ground with the most abandoned swindler; the line of demarcation between right and wrong, innocence and guilt, completely vanishes. In vindication of the cruel system which it is my wish to expose, we are told that its evils are exaggerated, and that the moral sense of the community will shield the unfortunate from oppression. But who sees not that this very apology, while it honors the public feeling, pours disgrace upon the law? To ascertain the real character of this system, we must trace the consequences that would follow its rigid execution. I ask, then, what number of individuals in the United States can be made subjects of imprisonment for debt? I answer, all who could not punctually discharge the demands against them, including the wives and children, and others dependent on this class of the community. I presume it would not embrace fewer than a million of souls. Shall such a body of freemen be degraded by caprice, or ruined by malignity? If such be the case, at a period in our history, when only forty-seven summers have beamed upon our independence, and our population amounting to ten millions, what must be our condition when our population shall amount to fifty millions? When New York, Philadelphia, Boston, Baltimore, Charleston, New Orleans, and others of our cities, shall be animated with the busy pursuits of a million in each, what will be our condition under this barbarous system? Imagination shudders while she anticipates the result; and virtue, benevolence, and justice, weep and frown. But, it has been said that the evils have been exaggerated; few instances of rigorous oppression occur in our courts of judicature. Admit, for a moment, that this is the fact; does this forbid our investigation of existing evil principles? Allow me to suppose that a solitary individual has fallen, or is liable to fall, a victim to the unjust laws of his country. Is his affliction to be disregarded? Such is not the constitution of Heaven, whose model we can never too much imitate and accurately adopt. No consideration is too minute for the condescension and superintendence and concern of our Heavenly Father. By him the hairs of our head are all numbered. Even the flight of sparrows, though two of them be but of the value of a farthing, elude not his providential observance. I ask, in language derived from superhuman authority, is not man of more value than many sparrows? It is a notorious fact that we undervalue the solemn duties of legislation. By the suffrages of the people, a power is invested in us superior to every thing which has immortalized the stern Lycurgus and the yielding Solon; to exert that power is a duty which the people reasonably expect, and which every generous and enlightened sentiment of the heart inculcates. I have before me record evidence of the evils of imprisoning debtors, which would chill the blood of any feeling man. It might turn a Nero pale and make a Caligula shudder. Why do any of us question the enormity of the practice which we are compelled to condemn? Because we are removed from the scenes of misery. Had we a Howard, that illustrious measurer and reliever of human calamity, among us, though he should possess the disposition, time would fail him to visit our abodes of authorized misery. An authentic account of the horrors of the Spanish Inquisition, for three hundred and fifty years, has recently been published; during that period thirty-one thousand three hundred and sixty-five persons have been burned alive without offence; eighteen thousand eight hundred and forty-nine have been degraded and burnt in effigy; two hundred and eighty thousand two hundred and fourteen have been condemned to perpetual imprisonment, or to the infamous galleys of this holy association, constituting the number of three hundred and forty thousand nine hundred and twenty-one. These savage cruelties were confined to Old Spain. They embrace not her vast possessions in South America and other parts of our globe. What eloquence can portray the silent agony, the bursting groans of the victims of this heart-rending cruelty! The Spanish nation generally were probably ignorant of these barbarous measures, and no doubt would have denied their existence; like those who deny the evils of imprisonment for debt, the Spaniards knew nothing or little of this extent of suffering. Occasionally a near and affectionate relative may have had some obscure idea of this horrid persecution. The watchful anxiety of some kindred spirit may have heard the unavailing sigh, the expiring pang of the agonized victim; but these were lost in the tumult of the world, or if remembered, remembered only to be forgotten. In a manner analogous to this the debtor suffers the evils of imprisonment in these United States. We accustom ourselves to that species of apathy, which, having ears, hears not. The tear of desolation drops unobserved, and the visions of calamity pass away like a dream. The decision of a court of justice deposites the body of a patriot in the gloom of a jail, merely for the sin of having been unfortunate, and of all his animating hopes leaves not a wreck behind. Few are acquainted with his misfortunes; still fewer shed the generous tear of sympathy. Taught to venerate the decisions of the judiciary, and the officers of justice, the hearts of his fellow-citizens, not more worthy than himself, welcome the hardness of the nether mill-stone and the adamant. In this way the march of tyranny is usually silent, but always desolating.

Let Congress violate the rights of an individual, however obscure, what would be the consequence? The thunder of loud and generous indignation would roar from the rocks of Maine to the Gulf of Mexico; from the blue wave of the Atlantic to the Pacific ocean. No man could be strong enough in the affections of the people to sustain himself against a solitary instance of individual oppression. But, let the vindictive creditor consign to the cell his unfortunate debtor. Let him demand manacles and fetters; let him permit life to linger on hardened bread and noxious water, and all is well; the law justifies the procedure; he may triumph in the power which he exercises, and glory in the idea that the public law stands a silent, perhaps a smiling spectator of the scene. I console myself with believing that this nation can feel for human misery, estimate correctly the value of freedom, and will ultimately select proper instruments for its destruction. In the town of Boston, consisting of a population of fifty thousand souls, from a report furnished me by a respectable society in that city, I have the affliction to learn that, during the year 1820, fourteen hundred and forty-two persons were imprisoned for debt; in the year 1821, twelve hundred and eighty-one; and in the three quarters of the year 1822, seven hundred and sixty-nine persons, citizens of our Union—four hundred and thirty of these incarcerated victims were females! The whole number imprisoned during this period amounted to three thousand four hundred and ninety-two; among these, two thousand and eighty-four persons were hurried into prison for debts under twenty dollars. The aggregate costs of these small debts exceeded the amount of the debts themselves.

I have read with much interest some of the reports of the commissioners who were appointed, at the last session of the Legislature of Massachusetts, to visit the various prisons in the State, for the humane purpose of ascertaining their condition, of learning whether the state of the sufferers could be rendered more correspondent with the wish of humanity. I have not seen a consolidated report of this subject; but, from reading detached parts in the Boston papers, I have observed that debtors were confined in almost every prison. Males and females, in one instance, imprisoned in the same room. In one of the jails the felon and debtor were confined in the same room; and, in another, the debtors enjoyed one comfortable meal in the twenty-four hours.

I am giving facts relative to one of the States of this Union; a State distinguished for patriotism; a State where the arts and sciences are flourishing; a State remarkable for moral improvements and for piety; a State, in fine, that has been justly denominated the Cradle of the Revolution.

But for the benevolence of a society in Boston, and the humane act of the Legislature, these disclosures would never have been made, or, if made, would have been pronounced incredible. I mention not these facts with a view of casting the least reproach upon the good people of Massachusetts. No, sir, the operation of this system is every where the same, in the United States and in Europe. During the last session of Congress, record evidence of the same system was offered in the city of New York, and the result was the same. The prison was always crowded with debtors, and, although peculiar circumstences may sometimes produce a temporary relaxation of the severity of the system, yet, so long as confinement for a pecuniary demand is legalized, so long will your strongholds of inhumanity be crowded with the children of misfortune and anguish; the Gorgon of misery will continue to grow with the march of time, and with the swell of population. Trust no man, sir, with arbitrary power. If you do, were he an angel, he would sink himself into a fiend. The respectable and generous society in Boston, to which I have alluded, declares that the incarceration of these three thousand four hundred and ninety persons involved about ten thousand in the deepest sorrow. Here is nothing like exaggeration. The calculation will be sustained in the mind of every man who permits his reflections to trace the ramifications of society, including wife, children, and friends. Assuming this view as the clue for our calculation, every liberal principle of the heart becomes paralyzed while it unavoidably beholds the multitudes of free citizens of our Union who have bedewed their pillows with the tears of affliction. How many have been injured and degraded by this barbarous custom since the termination of the late war with Great Britain!

The debtor, sunk beneath the elevation of man, may in vain utter his importunate request—have patience with me, and I will pay thee all. Had he been permitted to have pursued his avocations, by industry, frugality, and the blessings of Heaven, he would have emerged from his wretchedness; he might ultimately have discharged every righteous demand, and have terminated the career of life with credit and honor. But, no, sir, while the humane creditor would willingly indulge, avarice marches forward as unfeeling as malignity, grasps after all, and delivers him to the officers of the law, who confine him to prison, and complete his ruin. Still, sir, we believe the evils exaggerated. I have been taught to believe that morality was the basis of legislation, and that fearful denunciations are uttered against sins of omission as well as sins of commission. It is a solemn duty to reflect upon our accountability to God, as well as to our constituents. I recollect that Azariah, a king of Judah, is said to have done that which was right in the sight of the Lord, according to all that his fathers had done. But the high places were not removed; the people sacrificed and burnt incense upon the high places. The angry majesty of Heaven smote the King, so that he was a leper unto the day of his death. We have reason to rejoice in the blessings purchased with the blood of our fathers. Let us be grateful for their transmission; let us preserve them inviolate. Liberty of conscience, liberty of speech, liberty of the press, trial by jury, the right of personal liberty, and personal security—these are inestimable immunities.

But let not their brightness dazzle us. Let us walk in these charming paths. But let us ask ourselves if there is nothing left for us to do? Are there no high places undemolished? No sacrifice, no incense to Moloch unsuppressed?

We should not forget the animating, the expiring accents of a prophet. He that ruleth over men must be just, ruling in the fear of God: And he shall be as the light of the morning, when the sun riseth; even as a morning without clouds. We are indebted to our Anglo Saxon ancestors, more than to any other nation or people on earth, for the assertion of liberty, and for the vital principles of representative Government. Talk not of the sanction of antiquity, of the veneration due to former times, when you deliver to the custody of the law a poor unfortunate debtor. Antiquity is against the measure, as far as respects our ancestors. Look into English history, you will discover that the practice, which charity condemns, was introduced by judicial countenance and usurpation. At the period of the overthrow of the Saxon Heptarchy by Egbert, first King of England, such profound respect was entertained for the personal liberty of the citizen, that no man could suffer imprisonment in civil actions, and in no case, except for offences against the penal code. In all cases of arrests the peace of the kingdom must have been disturbed by violence and outrage. Such was the undisgraced, the happy condition of society, in this respect, for many centuries.

This liberty was confirmed by the wise administration and public institutions of the illustrious Alfred. In process of time, however, while the kingdom was harassed by Danish invasions, and the eruptions of other Northern Powers, creditors, and the mercenary officers of the courts of judicature of that day, contrived to induce the judges to issue such civil process as to subject the debtor in civil actions, to imprisonment. This was the first step towards the introduction of a system which has extended its baleful influence to every civil transaction, whether accompanied with force or fraud, or exempt from the imputation of either. Then were those legal chains begun to be forged which have compressed the withered limbs of the unhappy debtor. Until the Norman conquest, this jealousy for personal liberty beat strong in every bosom. William the Conqueror introduced the tyranny of the feudal system, and labored to toll a curfew that should put out all the fires of personal independence. He depressed the conquered Saxons, and elevated his Norman followers by giving them large landed estates and extensive political power.

It was not, however, until the long reign of Henry III. that Parliament formally established the system of imprisonment in civil cases. And what was the object of this first statute? what the extent of the principle? It was first established in favor of the Barons alone, against the bailiffs or receivers of their rents. Who were these Barons? They constituted the entire nobility, the landed aristocracy of the kingdom. They constituted one powerful branch of the National Legislature. They were the House of Lords. The law was at first limited and guarded. A bailiff could not be taken into the custody of law unless he had not only received money, but had absconded, and had refused to account for or liquidate the amount in his possession, by a regular settlement. If this were done, whether able to pay fully or not, his body was held sacred and his liberty secure. If the bailiffs or collectors had real estate, however small, upon which the process of attachment could operate, his body could not be arrested for a moment; a violation of his personal independence would have subjected a Baron to heavy damages. Ultimately, however, the Court and Barons, and the officers of the law prevailed, and the body was made liable to unconditional imprisonment and chains. Here, sir, is another proof, if evidence were at all wanting, of the superior power of wealth and political privilege over poverty and misfortune. The court and the creditors found their account in the harshest measures. They found that, by extreme rigor, though one party was ruined, theirs was the profit. By slow degrees, this system continued to advance. In the succeeding reign of Edward I. this principle was extended to merchants against their debtors, for the purpose of elevating them in society, and, by such elevation, counteracting, in some degree, the influence of the Barons, which had become dangerous and alarming; so much so, that it held monarchy itself in check, and even threatened the destruction of regal power. In the reign of Edward III. this horrid system was enlarged so as to embrace actions in general of debt and detinue. One hundred and fifty years after, under the reign of Henry VII., the circle was completed. Violence and disaster, breach of trust and sheer misfortune, were crimes, in the estimation of the law, of equal enormity. During the struggle for power on the part of the court and the creditors, let it be recollected that bail was not allowed, even upon mesne process. Without previous notice by summons, the capias being issued as the first step in an action, the debtor was taken into immediate custody, and committed to close jail, without the means of making terms with his creditor, or employing any exertions to meet the sum demanded. In the power of his creditor, a mere equal with himself, seized by the throat, he was doomed to the most cruel bondage, and the most exorbitant exactions.

This usurped power was employed with so much abominable rigor, and to such a shameful extent, that the prisons were literally crowded. In the reign of Henry VI., bail was permitted on mesne process. It was thus allowed at the commencement of a suit until judgment was obtained. Then the poor debtor might be confined for life. It was in the power, and was frequently the practice, of his adversary, to pronounce the sentence, as his victim entered the cell—thou shalt by no means come out thence until thou hast paid the utmost farthing. Does a system like this deserve universal abhorrence? It is the system of the present day, with some modification. So frequently have the jails in England been filled with insolvents that it has become necessary to empty them by special acts of Parliament. A general jail delivery has effected what avarice would have forever prevented. In the British annals we have accounts of the establishment of benevolent societies for the relief of these hapless men and women. One of these societies, established in London in 1772, in a period of eighteen years, with the sum of twenty-six thousand six hundred pounds sterling, rescued from wo and thraldrom eleven thousand five hundred and forty-three persons. These had seven thousand one hundred and twelve wives, and twenty-one thousand five hundred and thirty-one children, making forty thousand one hundred and eighty-six persons immediate partakers of this cup of affliction. These were released, not by the humanity, not by the righteousness of the law, but by this honorable and benevolent institution. The amount paid would average about three pounds for each individual released. In every instance the society made strict inquiry into the causes which had involved the prisoners, and communicated relief only where misfortune, not crime, had produced the insolvency. Thus, eleven thousand five hundred and forty-three honest, industrious, virtuous, but unfortunate men, were deprived of liberty; seven thousand one hundred and twelve females, wives of the imprisoned, were reduced to want and wretchedness; and twenty-one thousand five hundred and thirty-one children abandoned to starvation or profligacy. Where is the man that can hear this story and feel not his blood curdle within him? And yet England can boast of her freedom, the rectitude of her policy, the divinity of her religion! We also profess to be Christians; we profess to love our fellow men; and how do we apologize for this foul blot? We boast of our insolvent laws, which approve not of perpetual imprisonment. What if we allow that these laws impart some relief to the system of its desolating character, its vindictive temper? By the Franklin rod, the habitation of the debtor may be protected from the lightning of Heaven; but, alas! he has no rod that can secure him from the more angry flashes, the roar of his unrelenting foe.

After such a development, if we can deny the demoralizing tendency of this system; if we can deny the barbarous cruelty of investing the creditor with power over the debtor; if we can deny that such an arrangement is subversive of civil liberty, though one were to rise from the dead, and speak with the tongue of an angel, we should not believe. It is our duty to relieve the distressed; to weep over the sorrows of our fellow-creatures; to contemplate the prison; to bring home to our own bosoms its horrors. There stands the half broken jug of feculent water; there the mouldy crust, the bed of straw. There is the sepulchre which entombs the living; there the soul broken with affliction, the soul on which despair, like the worm that never dies, is perpetually feeding. There is the dungeon where no pale of distinction is raised between the idle, the extravagant, the swindler, the felon, the assassin, and the industrious, the economical, the honest, but unfortunate child of sorrow. There are the accursed bars which separate him from the wife of his bosom, from his precious suffering babes, from his friends, from every thing which makes life worth possessing. See at the door stands insatiable avarice, with sunken eye, his keys clanking at his waist, and his iron mace on his shoulder. No supplications of a distracted wife, no tattered garments on shivering children, can excite one emotion of pity, one feeling of remorse.

And shall we, who have the power to relieve the captive, and to bind up the broken hearted, sit in complete insensibility? Shall we pronounce these dreadful realities the mere phantoms of the imagination? What are the causes which, above all others, produce and secure the prosperity of nations? Sir, they are personal liberty and personal security. The selfish principle in man must be regulated. Inordinate ambition is restrained by the Constitution and by the laws; but you give an unnatural impulse to sordid principles by arming it with the extraordinary power of vilifying a fellow-citizen by placing him in confinement for debt.

> "I cannot tell what you and other men
> Think of this life; but, for my single self,
> I had as lief not be, as live to be
> In awe of such a *thing* as I myself."

The love of liberty, sir, is implanted in every bosom. The deposite is safe. It can never be exterminated. It must endure as long as the high pillars of Heaven. The condition of the enslaved may suppress, for a while, the sacred passion. It may cover it with ashes, but those very ashes will preserve it. Sir, I have visited Boston. I have seen the monument, thrown up by the hand and heart of patriotism, in memory of Warren, and the brave men who fell at his side, on Bunker's Hill. I have read, with admiration and ecstasy, of the courage of our heroes at the bloody battle of Stillwater, when Burgoyne was compelled to submit to the arms of freemen. I have reflected on the sufferings, the sacrifices of the men who achieved our independence. In imagination, I have visited the powerful works which they have carried by storm. I see them bleeding—dying—yet shouting in the embrace of victory and death. I have asked myself, what is the cause, the impulse, the motive of this self-devotion, and have never been at a loss for an answer. It was the love of liberty. The passion is not like the central attraction of our earth, pulling every thing towards itself, but like the sun in the Heavens, pouring on every side life and joy. It is a passion that embraces the welfare of our own country and of all mankind. With such ideas before me, I have involuntarily exclaimed—Is it possible that this holy treasure shall be taken away from its possessor, without crime, merely for a pecuniary obligation, which misfortune alone has prevented him from discharging? No man in the Union is unexposed to the shameful degradation: no matter what have been his public services, what his private virtues, how often he has dislodged the cannon of the enemy of his country, that he might, at least, have the privilege of living a freeman. I have known instances where soldiers of the Revolution have been imprisoned upon mesne process, as well as upon execution after judgment.

It is not to be disguised that, notwithstanding this blot on our national character, we are the most free, the most happy people on earth. But what is this freedom, what this happiness, to the wretch who is doomed to dishonor and insult, to imprisonment and ruin, without the least violation of the penal code of his country, or of the moral law of Heaven. It was devotion to liberty that prompted Algernon Sydney to write against the divine right of Kings, for which service he was beheaded. It was the same fine temper which induced the virtuous Riego to contend for the Spanish Constitution, for which he suffered a death ignominious in the estimation of Kings, but most glorious in the view of every enlightened Republican. In the trying hour, it was a consolation to these distinguished patriots, that they fell by the stroke of a tyrant's rod, and that posterity would do them justice. It is the same spirit which inspires the soldier, in a country that dares be free, to suffer every hardship, to face the fiercest danger; but we are not sustained by the same cheering anticipations, since we are destroyed by that very country whose heart's blood we have resolved shall continue to flow. To the sufferer, it is the same as if he were the victim of the despotism of the crescent, or a vassal of the Holy Alliance. The unpitied mortal may say, "Alas for me—I have no country!" The resolution which the terrors of the tented field, which the rattle of musketry, and the thunder of cannon could not shake, expires within him. The soldier, the man, is entirely lost. A blameless life has no shield for him. Misfortune would plead, but she is told, by inexorable judges, the case is hopeless. Humanity would vindicate his cause, but the law has fixed his doom. His sorrows deepen, and he has no hope for relief but such as death can supply. He casts his despondent eye on the grave—"There the wicked cease from troubling, and 'there the weary are at rest. There the prisoners 'rest together—they hear not the voice of the oppressor. There the servant is free from his master. Wherefore is the light given to him that is 'in misery, and life to the bitter in soul? which 'long for death and it cometh not, and dig for it 'more than for hidden treasures; which rejoice 'exceedingly and are glad when they can find the 'grave"

We have already, in some degree, traced the origin of this man-destroying system. It is the offspring of a barbarous age—the enslaving instrument of wealth, associated with the love of power, and with principles base and sordid. We have seen that it was first adopted in England, to gratify the privileged orders—the Barons—the landed aristocracy of the country. To this day the nobility are exempt from liability to imprisonment for any pecuniary claims against them. It is the yeomanry of every country who feel the strokes of despotism—the laboring and virtuous class, upon whose industry and virtue the community must ultimately depend for safety. In the early ages of mankind, the ill-fated debtor was subject to absolute and perpetual slavery, together with his innocent wife and unoffending children. In England we can distinctly trace the progress of this hateful insult on every thing generous and good.

For many centuries imprisonment was restricted to such as were convicted of high crimes and misdemeanors. It was then extended to all civil cases, where, in fact or in law, force or violence had been used. It was then extended to the Barons, in reference to their stewards, bailiffs, and receivers of rents, as for a breach of trust or pretended fraud; and at last was employed in cases without discrimination.

Permit me, sir, to call your attention to another radical innovation, in civil proceedings, in favor of the creditor, and against the debtor. In the early periods of English liberty, the body was not only exempt from capias and imprisonment, but every plaintiff was subject to summons alone. If the debtor did not appear, an attachment, or *distringas*, was issued against his estate. The creditor or plaintiff was required, in every instance, as a previous condition, to give bond and security that he would prosecute his suit with effect, and that the action was neither groundless nor malicious. It was required that no man should attempt to prostitute the power of court to gratify his revenge, or to prosecute such as were entitled to equal privileges with himself. But the courts, without any legislative act, dispensed with the subpœna and *distringas*, which operated against the estate of the defendant, and made the capias, by which the body was taken into custody at the commencement of the suit—dispensing with the pledges of prosecution or sureties against a groundless or malicious action. By this judicial contrivance a total revolution was effected, in civil proceedings, furnishing the courts with power against the personal liberty of the debtor, that knew no restraint. And yet, sir, it is considered unreasonable by some, that we should dispense with bail on mesne process. A creditor, without being bound for costs, may institute a prosecution or action. He may do more—he may prostitute the power of the court, for the purpose of gratifying his malignant spirit, by holding the debtor to bail previous to his trial; a usage at which humanity must blush; a usage which it would seem to require the most accomplished vice to employ. If the debtor should be so afflicted as not to be able to obtain bail, he must languish in jail until his trial. He may then obtain a judgment in his favor, and his costs not secured to him.

Is this equality? Is this justice? It is such justice, such equality, that our country should be ashamed of. I ask, if the plaintiff have free access to our courts, without a pledge, or any species of restraint, is it not fairly and honestly correct to release the debtor from all bail and exposure to imprisonment, until at least a judgment shall pass against him? It is of no force to urge that a creditor may lose his claim. It is a paramount consideration that, in many cases, an innocent man may suffer a loss of liberty, without trial, and by the suggestion of a temper wholly malign. In theory, our Government recognises an equality of rights; but, in the present case, the theory is grossly violated. We admit of no privileged orders. The Constitution expressly denounces such orders. Call the people what you please, patricians or plebeians, lords or commons, only let them be equal, and free from subjection to unmerited degradation. If the nobility of England exist, without being subject to a system of shameful imprisonment, why may not the people of the United States flourish and prosper under a similar exemption?

It is an interesting employment for the mind to contemplate the moral improvement of our species, and to develope the causes which advance or retard it. In all ages, nations have more or less believed that a conflict exists between a good and an evil principle in the world. We cannot deny that, at the present crisis, a mighty struggle is going on between those who are engaged in diffusing the light of science, and diffusing the moral faculties of our race, and those who are endeavoring to keep stationary the human intellect, or to impart to it a retrograde motion.

The family of man is estimated to be eight hundred millions. Christendom is supposed to contain two hundred millions; one-half of whom, we may conclude, are under the benign influence of the Christian religion. Multitudes of these are peculiarly devoted to the service of civilizing and (in a moral view) improving mankind; and, in their various benevolent and religious institutions, assuming names which are applicable to their particular objects. It is concluded, that, at no period since the creation, have so many excellent men been employed in this illustrious project. Human character may be exalted by grand discoveries in physical science, yet the moral improvement of man is of importance infinitely higher. The former may render us more wise—more learned;—but by the latter we shall become more virtuous—more happy. It is the sacred duty of all to unite in this illustrious cause, and of each to act well his part in this interesting theatre. This view of the condition of man imposes the obligation to rescue him from every calamity that we possibly can; to meliorate his general condition, by securing that independence and freedom inviolate, which ought never to be forfeited by any other than criminal considerations. If we refuse this service, we unite with the enemies of our species. We cherish the spirit of the Holy Alliance itself, and invigorate the arm of the monarchs and tyrants of the earth, who have formed a most diabolical association for the purpose of degrading the human character, and binding the oppressed with everlasting chains.

The formidable combination to which I allude has already become almost invincible. It has navies and armies at its command; all the privileged orders are worshipping this beast; emissaries and informers, false accusers, superstitious rites, religious bigotry, prisons, dungeons, tortures; all the instruments of cruelty which gold and silver can suppiy,—are levied into its service. The system of imprisonment for debt constitutes a part of this formidable array against liberal principles and the rights of man. By the omission of our duty, we advance the system which we profess to condemn.

Human character is susceptible of high elevation. This fact the page of history abundantly illustrates. The public laws should have a direct tendency to encourage and reward virtue and honor—to make every citizen proud of being an American. Sustain his dignity, and you will find that he will fly to the hottest post of danger in the defence of his country. His scars will be his pride. The approbation of an enlightened and generous public will be esteemed infinitely more honorable than Isthmian or Olympian wreaths. Our progress in the science of morals, and in the science of government, has been splendid; but I ask, sir, have we arrived at that perfection that should make us content to be stationary? I am no friend to airy speculations—to schemes that are visionary;—but I wish the reform of abuses—the correction of erroneous principles—which still remain a part of our political institutions. Philosophers and statesmen have denounced imprisonment for debt; they have declared the measure unnatural and barbarous; yet the principles of freedom have not been able to destroy it. The rich are too strong for the poor—the nobility for the yeomanry. The system is, in a small degree, relaxed in our happy land, yet its form continues hideous. It is still a whirlwind, bringing desoation in its train.

But, it will be told us, sir, that the accomplishment of our wishes will be the destruction of credit. Let me demand of the objector, whether this can be a misfortune? Happy is that country where credit is restrained; where its basis is personal confidence in moral worth and the integrity of virtue. Honorable industry would then be universally pursued; nations would never become insolvent, and misfortune would enjoy a broad and glorious shield. Abolish the infamous system; set bounds to the eagerness of speculations; and a most happy change will be produced. Of all the miseries which can exist in free States, the inordinate passion for wealth is the most alarming. Entirely to check it, might be impossible, lest the spirit of enterprise become subdued. Yet nothing is so dangerous and hostile to the liberties of society, as to place, for a moment, the personal freedom of one citizen at the discretion of another. Such conduct is the disgrace of legislation. It is unnecessary, unwise, unrighteous.

In the criminal code, a radical change has been effected. Experience has demonstrated that severity and cruelty prevent not the perpetration of crime; and that the substitution of mildness, in punishment, produces the most efficacious results. The sanguinary code of Draco prepared the way for the humane laws of Solon. Instead of the horrid catalogue of crimes in England, two hundred of which are punished with death, we have substituted the gentler system of solitary confinement, of hard labor for a term of years, while capital punishment, in some of the States, is restricted to murder of the first degree, and in others, about to be totally abolished. The wisdom of the measure is unquestionable. The progress of intellect and experience is producing an entire change in the character and condition of man.

In place of the ridiculous ordeal of fire and water, we have an honorable trial by jury. Changes in the civil code have been no less remarkable. Excepting the relic of barbarism, which, I trust, the exalted sense and humane feeling of this House will forever banish from our Union, we may be said to have revived the golden age. On the question before us, the voice of the people demands respect. Their sentiment is unanimous. But for the hesitation of legislators, it would be banished eternally from our statute books. Some of our States have, by their own acts, testified their deliberate sentiment on the subject. Kentucky and North Carolina have led the way, and others will assuredly follow. Let the public voice of the National Council be heard on the subject, and the wilderness will suddenly be transformed into a fruitful field.

It has been urged, as a reason for not acting, that the jurisdiction of the Federal courts is extremely limited. The district court may take cognizance of all cases above five hundred dollars, without any condition, and even of smaller sums, provided the plaintiff will pay the cost of suit. In the West, this practice prevails. The district courts have charge of all cases of admiralty and maritime jurisdiction, and in these they proceed, according to the laws of foreign courts, without regard to the execution laws of the State in which the court is located. Here, without trial by jury, the personal liberty of the citizen is subject to the process of the court. The district court, besides, constitutes our court of exchequer, and has cognizance of all revenue bonds, and various other demands against individuals, arising from the several departments of Government.

But it has been said that the courts of the United States are governed by the execution laws of each separate State. This, sir, is a mistake. The act of Congress passed in 1789, declares "that the court of the United States shall adopt the execution laws, now used or allowed in the supreme court of the State in which the Federal court is located," and to this day the principle is not settled. Upon it the most learned counsel are divided, "whether the laws for the time being, or those instituted in 1789, should govern." If the laws of 1789, then we should have the Virginia code of executions in Kentucky, which gives the people superior protection and more substantial succor than our present relief system, which has been so much declaimed against by gentlemen who have not permitted themselves to become acquainted with its real principles. By the laws of Virginia in 1789, not only was land exempt from legal process, but personal estate could not be sold for less than three-fourths of its absolute value. As to the proceedings in chancery, it has been decided that decrees exposing property to sale, as executions at common law, are not subject to the State execution law. This is the precise condition in which we are placed respecting our courts of justice, and proceedings in civil cases. So much confusion is created that no man can ascertain what is really the law of the land. When we bring this subject before Congress, we are told that the execution laws of the State govern the proceedings of the United States court within the respective States. Strange as it may appear, notwithstanding the State of Kentucky has abolished imprisonment for debt, and with it bail upon mesne process, the court of the United States requires this very bail, by rule of court, under a legislative power given them by Congress, and the clerk issues the ca. sa. to seize the body of a debtor. The same difficulty exists as to taking the benefit of the insolvent law of the State where the court is held. Procrastinations of the most troublesome character are occasioned. When the oath of insolvency is administered, the party is not called upon to present a schedule of property; he has to depose that he has not estate to the amount of thirty dollars. The act of Congress also declares that where the laws of the State authorize the ca. sa. among other executions, it may be taken out by the creditor first giving evidence of a total disregard of the liberty and personal security of the debtor. Suppose the creditor take the ca. sa. in the first place, and the debtor cannot swear that he has not thirty dollars worth of property, the consequence is, if the creditor wills it—and who ought to trust him?—PERPETUAL IMPRISONMENT.

It would constitute something like an apology for the advocates of imprisonment for debt, were some discrimination used relative to the conduct of a debtor, that he might be treated in a manner corresponding with the ideas of culpability which themselves might affix. There can be no difficulty in forming a scale of offence and punishment, at least in the contemplation of the mind, although I have no idea that you can reduce the scheme to useful practice. Fraudulent conveyance or concealment of property, luxurious extravagance, indolent habits, neglect of economy—these constitute the proper gradations in the shades of moral guilt. If gentlemen can define and punish such grades of offence, why not attempt it? Need I tell you, sir, that no effort of this nature has been employed. The besom of despotism alike sweeps before it the pearl and the pebble. The honest man and the scoundrel are sacrificed without distinction. If the friends of the vindictive system wish that innocence be protected, and only crime chastised, why not propose that, previous to holding a debtor to bail upon mesne process, the plaintiff shall give pledges of prosecution and sureties, that he has not instituted a suit with malicious intent and upon groundless accusation? Let his affidavit be demanded as to the cause of his action, one of three allegations at least, before he be allowed to require bail: that the debtor has been guilty of fraud in the original transaction by which he became indebted, or that there is danger of his absconding, or that he is about to make a fraudulent concealment or a fraudulent conveyance of his property. This would appear like justice in the proceeding. It would require something to be accomplished by the creditor before he laid violent hands on his victim. It would make him reflect, if it did not humanize his feelings.

It is difficult to conceive, upon what principle the imprisoning system rests for its support. It is not a punishment for crimes. If so, it would violate, and, in fact, does violate, all the legal forms and Constitutional safeguards of the liberty of a citizen. Its operation is not simply coercive. Unquestionably, the honorable man will present his goods and chattels. He will bid you take them all, and regret that he has no more. But the dishonest will contrive to place your proceedings at defiance. It cannot arise from an implied agreement between the parties, that, in case of failure, the debtor shall be imprisoned. Such a stipulation, whether expressed or implied, must, in law and conscience, be null and void. It cannot satisfy the debt. It may afford gratification to malignant propensities, to a vindictive disposition, to infernal feelings—but, after all, the pound of flesh cannot satisfy the bond. The whole, like Sin, in Milton, bringing forth death, is the offspring of that gloomy temper which delights to riot upon the vitals of human rights and human happiness.

When Mr. JOHNSON had concluded his remarks, on motion of Mr. BARBOUR, the subject was postponed till to-morrow.

TUESDAY, January 17.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Obadiah Jones, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report was ordered to be printed.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to authorize the issuing of letters patent to Samuel Brown," reported it without amendment.

Mr. VAN BUREN, from the same committee, to whom was referred the petition of John S. Stiles, executor of George Stiles, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report, with the accompanying documents, were ordered to be printed.

Mr. EATON, from the Committee on Public Lands, to whom was referred the petition of William Venable and others, reported a bill for the relief of Sarah Venable and Jane Morgan; and the bill was read, and passed to a second reading.

Mr. **Bell**, from the Committee of Claims, to whom was referred the petition of Henry M. Johnson, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. **Ruggles** submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing, by law, for re-printing, in one or more volumes, the annual Treasury reports, which have been made to Congress since the commencement of the Government.

Mr. **Van Buren** presented the petition of John M. S. McKnight, administrator of Charles McKnight, deceased, praying to be paid for services rendered by the deceased in the medical department, in the Revolutionary war; which was read and referred to the Committee of Claims.

Mr. **Johnson**, of Louisiana, asked and obtained leave to bring in a bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts; and the bill was read, and passed to a second reading.

Mr. **King**, of Alabama, gave notice that he would, to-morrow, ask leave to bring in a bill explanatory of an act confirming claims to lots in the town of Mobile.

Mr. **Seymour** gave notice that he would, on Thursday, ask leave to bring in a bill in addition to an act, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes."

Mr. **Johnson**, of Kentucky, gave notice that he would, to-morrow, ask leave to bring in a bill to change the terms of the District Court of the United States for the Kentucky district.

On motion, by Mr. **Barbour**, the Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States; and, on motion, it was postponed to, and made the order of the day for Thursday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and it was postponed to, and made the order of the day for, Monday next.

The bill to regulate surveys of certain lands in the State of Alabama, was taken up for consideration, in Committee of the Whole.

Mr. **King**, of Alabama, briefly explained the object of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Thomas F. Riddick, of the State of Missouri; and it was laid on the table.

The Senate resumed, as in Committee of the Whole, the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; and it was postponed to, and made the order of the day for, to-morrow.

IMPRISONMENT FOR DEBT.

The Senate, on motion of Mr. **Barbour**, resumed the consideration of the bill to abolish imprisonment for debt.

Mr. **Barbour** addressed the Senate to the following effect:

It has been remarked by Lord Coke that he never knew a wise measure, however inauspicious the beginning, introduced into Parliament, that did not eventually succeed. A remark of this kind, from so profound an observer of the course of public affairs, offers great encouragement to the reformer of abuses. He will contend patiently, but perseveringly, with existing prejudices, animated by the assurance that his labors in a good cause will not be exerted, finally, in vain. In confirmation of this remark, I will refer to the history of this District. It was only two years past that I could carry through this body, and with great difficulty, too, a bill to change the law in force here concerning insolvent debtors. For, wonderful as it may seem, it was no less true, that, while the law enabled the inhabitants to avail themselves, after a few days' confinement, of the privilege growing out of their condition, to the stranger, who had been pursued hither by some cunning and unfeeling creditor, the privilege was denied, till he should have suffered imprisonment for twelve months. About this time, too, I have been informed, the bounds were curtailed, and many instances occurred, in consequence of their limited extent, of the inhabitants of the place being separated from their families, who depended for their daily bread on the labor of the prisoners, and who, by such curtailment, were prevented from profiting by a demand for labor, as it was to be performed beyond the bounds; but, subsequent to the discussion in this body on the subject, the court has enlarged the jail bounds commensurate with the extent of the county. But this is not all. The public mind throughout the Union has been drawn to this subject. It has made its way into the halls of the State Legislatures. In some few instances, imprisonment for debt has been already abolished, and it is to be hoped, and confidently anticipated, that every where, this stain on our statute book will be effaced; that the doors of every jail will be thrown open, and the captive set free.

Although all are aware that we have no right to interfere with the regulations of the States, and although it may be admitted that the prisoners for debt, under the process of the United States courts, are comparatively few, yet the example established by us cannot be without a salutary effect. The theory of the Constitution supposes that the counsels of this body will be directed alike by wisdom and experience. The mode of selection, and the age of the elected, are the best guarantees, that the infirmity of our nature admits, that nothing rash will be attempted here; that the consequences of a measure will be duly weighed, and nothing adopted but what has the sanction of the judgment, enlightened by the suggestions of experience; and hence, the importance of your decision on this question.

Let us, then, inquire what the question is. At this stage of the inquiry, the Senate will not suffer themselves to be embarrassed by the details of the bill. Whether it shall be prospective or retrospective—whether the provisions are sufficiently guarded, in reference to fraudulent debtors, will be the subject of future inquiry and arrangement, when the principle shall have been fully discussed and settled. Thus qualified, the question now presented for decision is simply this: Is it right to punish by imprisonment, the honest but insolvent debtor?

I grant you the power, but I deny you the moral right. I do not mean to encumber the discussion with any Constitutional question. High as the Constitution is, I appeal to an authority still higher—to the patent held by man directly from his God, by which his liberty, and the right to its enjoyment, was guarantied. It existed before constitutions or societies themselves. The image impressed upon him at his birth was the sign of the covenant, and should have been the shield against its violation. Its preservation was the great object of the social compact. In our institutions it was so proclaimed. Every portion of our natural rights is retained, except so far as the welfare of the whole requires a sacrifice, and hence, I assume it as an axiom, that the liberty of the citizen is never forfeited to society, but by a voluntary act of the offender, or where its use has become, or threatens to become, dangerous to the public peace. Beyond these limits every infraction of this precious gift is usurpation; an act of power without right, than which nothing is more odious. If this be true, it may be justly contended that crime, or the probability of its commission, should precede a punishment which involves imprisonment. If, then, punishment presupposes crime, the advocates of imprisonment for debt must be ready to contend that insolvency is a crime. Now, although it has grown into an adage that poverty is a misfortune, the truth of which I can confirm from actual experience, yet it is a part of the same adage, that it is no crime. Mark the inconsistency in which your policy involves you! The liberty of the citizen is so far protected by the Constitution as to be placed beyond his own control. If a being, goaded by hunger and distress, or any other necessity, were base enough, like the Egyptians of old, to surrender his liberty to another, no matter how solemn the covenant, or how weighty the consideration, it is instantly cancelled by the spirit of the Constitution. Yet, without a covenant, or without a crime, you give up the unfortunate to the will of the creditor, and lend him your authority to deprive a fellow-being of his liberty. That which you will not permit directly you sanction as a consequence. Who is able to reconcile this contradiction? It is perfectly consistent with fair argument to arrive at the error of a principle through its pernicious consequences. The immediate effect of the existing policy is to confound all distinctions between the innocent and the guilty—the man of misfortune and the man of crime. If insolvency was exclusively the result of imprudence, there might be some apology for the cruelty with which the debtor is treated. But, amongst the number, how many have been the sport of events against which no human foresight could guard? Do we not know, from our own observation, that the most industrious and the most prudent are not unfrequently involved in this calamity. Who, among ourselves, can arrogantly claim an exemption from misfortune? Our lives and our substance are both held by that frail tenure which belongs to all earthly things. The proud and foolish man, surveying his vast possessions, may exclaim, Soul, take thy rest! but the echo to his boast is the awful denunciation, Dust thou art, and unto dust shalt thou return; or the elements are commissioned to destroy, and the winds, the fire, or the flood, in an instant prostrate his earthly hopes. In these dispensations of an inscrutable Providence, to which all are alike subject, but from which, for the present, we may be happily exempt, let us be taught the necessity of bearing with humility our prosperity; but let not that exemption steel our hearts against the unfortunate—their cup of life is made sufficiently bitter by their misfortunes—'tis cruelty alone that will administer an additional drug. And yet these victims of misfortune are the subjects of your punishment.

What, let me ask, is the legitimate object of punishment? The reformation of the offender, or to restrain him from violence? Reform the prisoner! In what? Does any man desire to become insolvent? If there be any one thing about which all mankind agree, it is in the wish to better his condition. This wish is implanted in our nature, and grows with our growth. Can you increase it by punishment; or can it be necessary for the peace of society to restrain of his liberty the man whose only crime is his misfortune?

How are these weighty considerations against the existing policy met by its friends? It is urged by them that the evil complained of has been exaggerated—that the sufferers are but few—that the moral sense of mankind revolts at the imprisonment of an honest debtor. Is this so? Then there is an end of the question. You can have no difficulty in changing a system so unjust and so cruel, that none are found wicked enough to carry it into execution. Why disgrace your statute book with such a law? It is but an evidence of your insensibility to the character of your code. But, unfortunately for the gentleman who thus argued, the moral sense of mankind is not what he supposes. Let us look at facts. Take the document exhibited yesterday by my honorable friend from Kentucky, (Mr. JOHNSON)—it is the record of the jail in Boston, the metropolis of the very State whose representative on this floor reposes on the moral sense of mankind as a sufficient shield against any abuse under the existing law. In recurring to this document, I intend nothing that is invidious—I presume Boston is not more remarkable for the number of its insolvent debtors, or the severity of creditors, than any other part of the United States. Indeed, a member from New York, at the last session, exhibited a similar document from the jails of New York. Taking this document as the rule by which to estimate the number of sufferers in the United States, what a picture of human misery does it exhibit. In a population of 40,000, the number of souls in Boston, there were committed in 1820, one thousand four hundred and forty-two; in 1821, one thousand two hundred and eighty-one; and in the three first quarters of 1823, seven hundred and sixty-nine—making a proportion of one-thirtieth of the whole population, which has suffered imprisonment for debt, and among this number, in the whole time, four hundred and thirty females. This, then, is a specimen of the moral sense of the people of Boston, and, as I have assumed, of the United States. By which rule, after every reasonable deduction for the difference between populous towns and the country, it may be safely affirmed that 13,000 human beings are annually incarcerated for debt in the United States. When we add to this the wives and children of the sufferers, if our sympathy is to be thus limited to the exclusion of more distant relatives, we may fairly conclude that 60,000 people are annually involved directly and indirectly in the mischiefs resulting from this barbarous policy. If the scope of the evil then has been exaggerated, it cannot be from a misrepresentation of the number of the sufferers. Is it in the extent of their sufferings? Where is the barometer by which these can be weighed? Has the Senator from Massachusetts, or any of you, visited these abodes of wretchedness, whose silence is interrupted only by the sighs and groans of the victims? or, peradventure, by the aspiration of some broken heart, penetrating with the eye of hope the dark cloud that surrounds human things, and looking to a better world, "where the wicked cease from troubling and the weary are at rest?" Of these dreary abodes, it may well be said, as of the grave—

> Darkness, death, and long despair,
> Reign in eternal silence there.

The sensibility of mankind is a subject of curious speculation. Let some ideal case of misfortune be touched by the hand of a master—some great unknown—although the theatre of suffering be the Ultima Thule of the habitable globe, and although centuries have intervened, yet every page will be bedewed with the sympathetic tear—while we hear, without emotion, of the real sufferings of thousands, if, perchance, they are our immediate neighbors and contemporaries.

What flight of fancy—what power of description—could add a shade to the dark picture of human affliction, exhibited in this already alluded to document? A husband and a father is snatched from his family at the moment when the wife is suffering and in peril, and that very situation the cause of the arrest, with a view to practice on the humanity of others! Yes! torn from a wife and nine children, dependent for their existence on the daily labor of the debtor. The creditor is conjured to relax his rigor. Shylock-like, he turns a deaf ear to the supplication—the wife falls a victim, the children live on charity. But, atrocious as is this case, it yields in enormity to another. Where a widowed mother is imprisoned by a brutal creditor, as an obstacle to his detestable purposes against an unprotected daughter. But for cases so singularly marked by unmixed cruelty and villany, we should have had ample occasion to dwell on other instances alluded to in the document. Take, however, one more—it is that, where a man, in a State coterminous to Massachusetts, was confined thirty years. So long had been his interment in jail, that he was forgotten by all his contemporaries. When discharged, as he was, finally, by the humanity of others, the expenses of his confinement were $3,000.

Among the victims, we are told, there were four hundred and thirty females. There is something, sir, so exquisitely horrible in contemplating such a mass of female wretchedness, that I have no language in which to give utterance to my feelings. Opposed, as I am in principle, to the imprisonment of a man for debt, I am a hundred fold so in regard to a woman. The distribution of civil rights between the sexes, gives all to the one and nothing to the other. Where privileges are concerned, the woman is scarcely considered as a sentient being; she is quickened into life, and an independent existence acknowledged only when she is to become the subject of imprisonment, of penalties, and of pains.

Now, sir, let it be admitted, that, among this number of females, a proportion, and a large one, if you will, are the victims of vice. It is not charitable to suppose all are so. Take from the group the widow of some honest mechanic, worthy and virtuous—for these qualities belong alike to every condition—as often found in the cottage as in the palace—whose husband, when alive, brought the avails of his daily labor to his humble roof, where his wife performed her every duty; "on her tongue is the law of kindness; her children rise up and call her blessed—her husband also, and he praiseth her;" but he is snatched from her by the hand of death. Thus bereaved, she resorts to her scanty means to feed and clothe her little ones. She redoubles her efforts—she wastes her strength over the midnight lamp, "and, with untasted food, she plies her care." But all will not do. The cruel creditor comes—she is unable to pay—the jail is her portion—the grave is her only refuge from calamity, given in the mercy of God to the sons and daughters of affliction. Her children, naked and hungry, beg the bread of life. Equally subject to this deplorable fate are your patriots and your heroes—men who have guided your counsels by their wisdom, or conducted your armies to victory—men who have consecrated the liberty you enjoy by their blood, and whose very sacrifices for the country have been the sole cause of their penniless condition. These, too, find their career terminate in a jail; and, while their ears are greeted with the hosannas to freedom—a freedom which they in part achieved—their portion is a loathsome captivity. Gloomy and dark as this picture is, think it not the mere offspring of a heated and unchastened imagination. The facts before you, as well as those mentioned by my friend from Kentucky, as coming within his own knowledge, have lost a portion of their sombre character in the description. And is this your boasted land of liberty, where enormities like these are committed in the name of the law! Sir, there is a consideration presents itself here, far beyond the interest of creditor or debtor. The policy of free governments should, by every means, cherish among the people the liveliest regard for the liberty of the citizen. Whatsoever is common, either in the physical or moral world, ceases to be striking. From the unnumbered victims of the policy I am denouncing, the impression on the mind, when a fellow-being is led to captivity, is as feeble as that produced by the rising or the setting sun; the sense of public feeling becomes blunted, and the loss of liberty is classed among your every day occurrences. The essence of liberty consists in the consciousness of its possessor, that, if he be not criminal, it is surrounded by an unapproachable inviolability. Held at the nod of a worm like ourselves, (if it be not profanation to call a thing thus held liberty,) it becomes valueless and contemptible. In confirmation of the sentiment that liberty itself, in the eye of mankind, is depreciated by the frequency of its violation, let us refer to our formerly bloody criminal code. We saw death, itself, as a capital punishment, from its indiscriminate infliction, and from its daily occurrence, lose its terrors. Since, however, wisdom and humanity have united in graduating a just scale of punishments and crimes, that of death, from its rare occurrence, strikes the mind as an impressive and awful spectacle.

Let, then, the liberty of the citizen, like his life, be preserved from daily and wanton violation—its value will increase in the estimation of the people, and its loss strike with little less effect than the loss of life itself.

Let us next inquire into the mass of suffering which I have shown to you to exist—the unalterable condition of our kind. Is it a sacrifice to which poor human nature must submit? Is it a lesser evil compensated by a greater good? I call upon the friends of the existing policy to answer these questions. They reply—it is to enforce the recovery of debts. Of whom? Not of him who is to be protected by this bill. For it is only the honest debtor, who has faithfully surrendered the last vestige of his property to his creditor, who can profit by its provisions. The fraudulent debtor is placed in a worse situation. Close jail, deprived of his bounds, is his doom, by the bill. If this be not sufficient, in due time, propose other and severer enactments. I will go all lengths to punish him. But, if you hold not to bail, the fraudulent will escape. What doctrine is this? You are to punish, indiscriminately, lest the guilty should escape. How long has this been the principle of legislation? We are taught, from the highest of all possible authority, that nine guilty men should escape rather than that one innocent should suffer. The rule, it seems, is now to be reversed. But it is urged that an honest debtor would have no difficulty in giving bail. Indeed! I fear the gentleman is calculating fallaciously again, on the moral sense, or, if you please, the friendship of mankind. Friendship, or rather its professions, are too often tendered where they are not wanting—to wealth, rarely to distress. They are the blossoms of the sunshine, but wither in the adverse blast. For—

> "What is friendship but a name,
> A charm that lulls to sleep;
> A shade, that follows wealth or fame,
> And leaves the wretch to weep?"

But let all this pass for nothing. Let it be granted that the world has been regenerated; that those who were not the world's friends formerly, have become so by some prodigy, no matter what—still, I demand to know, whence do you derive the right to throw a freeman on the courtesy of a friend to save him from imprisonment, on the mere suggestion of another that he is in debt? In all criminal cases, no matter how atrocious may be the crime with which the accused is charged, he is presumed innocent, till the contrary appears; and that, too, by testimony, on oath, of credible and disinterested witnesses. Of him you never require bail, till a presumption of guilt is made satisfactorily to appear. But charge a man with debt—even by an interested party—you presume him guilty—that his purposes are fraudulent, and deprive him of his liberty, if he does not instantly give sponsors for the delivery of his body into court! Now, let us imagine that it was proposed to remove the ramparts which the wisdom of our ancestors has erected for the security of our innocence, by enacting that, on a mere accusation of crime, without testimony, a citizen might be arrested—could you listen, with patience, to the suggestion that it ought to be adopted, lest the guilty should escape? I am persuaded you would cry out, with one voice, Let ninety and nine guilty men escape, rather than that one innocent man should thus suffer. But waive, if you please, this consideration. Let us be insensible to the wanton violation of the liberty of the citizen—let us shut ourselves against the suffering of the captive—let us harden our hearts against the violation of decorum, in consigning to the same cell men and women, and mixing with both the atrocious malefactor—let all these things, for the moment, be forgotten, and discuss the question as one of dollars and cents. How will the account stand? Referring to the document already alluded to, it appears, in 2,084 cases, the costs of commitment exceeded the principal; and those paid by the creditor. Add to this the loss of labor to society, by the confinement of the debtors, and compare this amount to that which the creditor receives, by this mode of punishment. One case in a thousand, perhaps, is productive of some benefit to the creditor—and that, generally, the result of the generosity of others. And should this exception lessen our abhorrence for the policy? Some swindling adventurer may find his account in pampering the prodigality of a wayward son, in the calculation of reaching, through the imprisonment of the child, the sensibilities of the father. Friendship may sometimes be burdened, in the release of an unfortunate friend. But are these calculations worthy of your protection? Is it right to arm villany with an instrument, by which to torture the best feelings of the human heart? Sir, I have no hesitation in saying that, could a balance be struck, with an exclusive eye to the creditor, of profit and loss, notwithstanding his power over the debtor's body, and the myriad of instances in which it has been exercised, that he himself has been greatly loser—disregarding, entirely, the sufferings of the imprisoned, as well as the infinite injury to society. And here sir, I would hazard a general remark. It may be advanced, as an unquestionable truth, that crimes are multiplied in every community, where the infamy attending their perpetration is lessened, by the circumstance that their punishment is common to misfortune as well as to guilt. For example, if it was a fundamental principle, in your code, that no man should be deprived of his liberty but for crimes, in which I class fraud, public opinion would, at once, associate guilt with imprisonment; and, as a consequence, many who now might be disposed to defraud their creditors, from the hope of escaping, unnoticed, among the honest and unfortunate, would, then, from the fear of being singled out to abide, alone, the infamy of their condition, find a sufficient motive to abstain from executing their fraudulent designs. If there be any force in these views, I have already met the other objection urged against the principle of the bill—its tendency to diminish credit. Sir, I do not mean, because it is unnecessary, to enter, at all, into the much-contested question—as to the influence of extensive credit on the interests of society. I have removed all the difficulty, growing out of this view of the subject, by showing that the creditor himself will profit by depriving him of a power which, in its practical effects, has been, to him, productive of loss. One remark, however, I will hazard, on the general subject; and that is, that the legitimate objects of confidence or credit, are, the integrity of the debtor, or his competency to pay, or both. And that, if a creditor be not content with these, and extend his calculation to the body of his debtor, he deserves any thing but our protection. Although there may be cases of this kind, and the existence of which I have already admitted, no instance is avowed in modern times, except that to which my classical hearers will readily refer, where, in the face of the bond, the flesh was pledged as the guarantee to punctuality. The universal reprobation of mankind bestowed on this case, supposed to exist only in the poet's imagination, is due in nearly the same degree to him who, though not avowedly, yet secretly looks to a security little less horrible—the captivity of his debtor.

The mischief, of which I complain, is the undisputed progeny of a barbarous age. It is antiquity only, that shelters it from reprobation. And, were it now, for the first time proposed, it would be every where received with marked disapprobation.

But there is a species of idolatry common to all mankind. It is not in religion only that it is manifested; it displays itself on a variety of occasions; and in none more conspicuously than in clinging to ancient practices. We read now, indeed, with horror, of the treatment of the debtor, in the best days of the Roman Republic. There, the insolvent debtor's body was cut up, as you now do the carcass of an ox, and a part was given to the creditor, proportioned to his demand. As a supposed mitigation to this barbarous practice, the debtor, his wife, and children, were sold into bondage, and the avails distributed among the creditors. We read now of those things with horror, partly because these abominations have long since ceased to exist. But, had they still prevailed, especially in England, they would have lost, in our eyes, half their atrocity. I feel justified in so saying, when I refer to punishments in criminal cases, even now inflicted in many parts of the United States, though not so enormously disproportionate to the offence, yet so repugnant to humanity, that they never could be retained, but for the example of our ancestors. That to this example we are indebted for the remaining fragment of this barbarous policy, I am persuaded none will deny. I at the same time admit that many grains of allowance are due to us. Those who usually legislate for us, are generally disciples of Mr. Justice Blackstone—whose opinions on municipal law, from their youth, they were taught to consider as infallible. He, it is well known, is the encomiast of whatever prevails in England. And why should he not? He was of the favored few who fed liberally on the bounty of his country, which has a wonderful tendency to reconcile one to the existing state of things. Now, for myself, however arrogant it may seem, I must be permitted to say that the time has long past by, when I implicitly adopted opinions on the authority of a name. Experience has taught me the necessity of judging for myself—as I have often found very serious heresies sheltered by the fame of their authors; and the truth has been irresistibly forced upon me, that a great man inverts the general law of optics, by looming most advantageously at a distance. On the policy of England, as to imprisonment for debt, Blackstone indulges in his usual complimentary style. But the courtier is bad authority on the abuses of Government. Let us ascertain the policy he thus commends, and judge for ourselves. There, the debtors are confined without any limitation as to time. Both sexes, not unfrequently, promiscuously huddled together, presenting a scene of whatever is loathsome and abominable to the eye of the beholder—twenty thousand of whom are supposed to fall, annually, a sacrifice to this barbarous practice. But, notwithstanding this waste of human life, the jails continue to fill to overflowing, when, from necessity, an act of general jail delivery is passed by Parliament—by which the wretched survivors, squalid with filth, and corrupted by communion, are again thrown on the lap of society—fit and ruthless instruments of vengeance, in the hands of retributive justice, to chasten that society from which they have endured such multiplied wrongs. I appeal from the authority of the Judge, to their own poet, who gives you a vivid portrait of these abodes of wretchedness, in which he himself had been a sufferer:

"Unpitied and unheard, where misery mourns,
Where sickness pines, where thirst and hunger burn,
And poor misfortune feels the lash of vice:
While, in the land of liberty, the land
Whose every street and public meeting glow
With open freedom, little tyrants rag'd,
Snatch'd the lean morsel from the starving mouth,
Tore from cold wintry limbs the tatter'd weed;
Even robb'd them of the last of comforts, sleep:
The free-born Briton to the dungeon chain'd;
Or, as the lust of cruelty prevail'd,
At pleasure marked him with inglorious stripes,
And crush'd out lives, by secret, barb'rous ways,
That, for their country, would have toil'd or bled."

These are the fruits of that system which you have every where, with slight modifications, servilely copied in the United States, and which I now solicit you to abandon.

There is nothing in my nature (and I may be permitted to add, in my situation) which would induce me to indulge in an adventurous scheme of legislation. But the age in which we live demands that we fearlessly approach every evil, and boldly probe it to its source. Antiquity, of itself, is no longer sufficient to protect its errors. Our fathers thus reasoned, when they gave birth to our freedom and our free institutions.

The maxims of Europe should no longer be authority to us. In the career of political improvement she is a sightless distance in the rear. Of the thousand instances to which reference might be had, in confirmation of this truth, take that of religious freedom. It is held there, as a sacred maxim, which it would be deemed impious to question, that a union between the State and the favored sect is indispensable to the existence of the Government and religion. In the most favored spot, a wretched toleration is all that is indulged; while in another portion we are informed their adorable King (whether with or without the direction of his Holy Allies we are not advised) is now seriously deliberating on the restoration of the Inquisition.

Let us turn from a scene at which the heart sickens, to our own favored land, to do honor to the counsels of our fathers, while we are enjoying their beneficent results. JEFFERSON (a name ever dear to freedom) was the author, not only of the Declaration of Independence, but of unreserved equality to all religious sects. Animated by a holy zeal for the happiness of his species, and guided by the polarity of his own superior genius, to him the high privilege was given of exploring the hitherto untrodden path of political science. In the eyes of this great Apostle of Liberty, the hoary errors of Europe dwindled into contempt, and a dissolution between the Church and State was the result of his efforts. Have the fears of the timid opponents of that measure been realized? No. The world has beheld, for the first time, the realization of that promise whose charity announces the divinity of its origin. The partition wall between the Jew and the Gentile has in very truth been broken down. Instead of an insolent and hypocritical hierarchy, eating out the substance of the land, and looking down with contempt on the remainder of mankind, the messengers of the Gospel here go out with the meekness and in the spirit of their great prototype, depending (and not in vain) on the voluntary aid of their followers, inculcating with sincerity and zeal the sublimest truths of their religion, and practising what they preach. Here religion no longer seeks to erect its altars upon the ignorance of mankind, and propagate its doctrines by fire and the sword. Reason has been substituted for superstition, charity for persecution. Members of different creeds sit down together, and participate at the same table of the awful mysteries of their religion; and every where we hear inculcated, from the metropolis to the wilderness, throughout all our borders, "On earth peace, good will towards men." This is the fruit of the counsels of our fathers.

Go on, then, and complete the work they have so nobly begun. Let us erase from our code this barbarous relict, and whatever else is mischievous.

To us, in part, a great trust has been confided—the welfare of the country, and of generations yet to come; nay, the world itself looks to us as to a great example, whence to draw the oracles of political truth. Fill, then, the measure which has been assigned you. Never tire till there is nothing to be done; and when you shall have reared a monument of beneficent legislation, if it be in the order of Providence that we too, in our turn, shall be involved in the darkness of slavery and superstition, let us hope that our labors, though obscured for a season in the general gloom, may survive the eclipse, and become the guide of some future deliverer of his country.

When Mr. BARBOUR had concluded, on motion of Mr. MILLS, the subject was postponed till Friday next.

The bill for the relief of Amasa Stetson, was taken up; but, before acting upon it, the Senate adjourned.

WEDNESDAY, February 18.

The PRESIDENT communicated a report of the Secretary of the Navy, with the annual statement of the appropriations and expenditures for the naval service, for the year 1823, and a paper showing the expenditures under each head since the 1st of January, 1824, and the unexpended balances of appropriations on the 1st February, 1824. The report was read, and referred to the Committee on Naval Affairs.

The bill to regulate the surveying of the public and private lands in the southern part of Alabama, was read the third time, and passed.

Mr. CHANDLER, from the Committee on the

Militia, reported a bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and providing for the discipline thereof; and the bill was read, and passed to a second reading.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Charles Oliver Devezin.

Mr. FINDLAY presented the memorial of Abraham L. Pennock, and others, and of Samuel D. Franks, and others, severally praying that additional duties may be imposed on imported iron, and the manufactures thereof; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Kentucky, asked and obtained leave to bring in a bill to change the terms of the district court of the United States for the Kentucky district; which was read, and passed to a second reading.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom the subject was referred, reported a bill to provide for the extinguishment of the debt due to the United States by the purchasers of public lands; which was read, and passed to a second reading.

Mr. KING, of Alabama, asked and obtained leave to bring in a bill explanatory of an act confirming claims to lots in the town of Mobile; which was twice read, by unanimous consent, and referred to the Committee on Public Lands.

The bill for the relief of Sarah Venable and Jane Morgan; and the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, were severally read the second time; and the last mentioned bill was referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver and others; and it was postponed to, and made the order of the day for, to-morrow.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Obadiah Jones; and it was postponed until to-morrow.

Mr. ELLIOTT presented the petition of Andrew Low and others, of Savannah, praying to be released from the payment of certain custom-house bonds; which was read, and referred to the Committee on Finance.

The Senate proceeded to consider the report of the Committee on the Judiciary on the petition of John S. Stiles, executor of George Stiles; and it was ordered to lie on the table.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Henry M. Johnson; and it was ordered to lie on the table.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Finance to inquire into the expediency of reprinting the annual Treasury reports; and agreed thereto.

AMASA STETSON.

The bill reported by the Committee on Claims, for the relief of Amasa Stetson, was taken up for consideration in Committee of the Whole. Mr. Stetson was a deputy Commissary General, at Boston, during the late war. He claims to be reimbursed moneys which he advanced, as interest, for the Goverument, for purchases made under positive orders; losses which he sustained on Treasury notes paid to him for advances which he had actually made in specie; and for extensive and responsible services performed, which did not come within the requisite duties of his office. For all these different items he claims about $12,000. The committee report that, in their opinion, of Mr. Stetson ought to be allowed "the sum of $2,031 49, being for interest paid by him for money loaned for the use of the Government;" and that "they believe that no more than justice will be done him, by granting him the pay and emoluments of an issuing commissary, for three years and three months and one third of a month, amounting to $3,615 67." The bill, therefore, proposes to pay him $5,700 16.

Mr. MILLS moved to recommit the bill, with instructions so to modify it as to make provision for allowing the whole amount claimed by the petition, and followed his motion with an argument to show the equity and reasonableness of the whole claim of the petitioner.

This motion gave rise to a debate of much length, on the merits of the case; in which Mr. RUGGLES (chairman of the Committee of Claims) opposed the motion to recommit the bill, and sustained the report of the committee; and Messrs. HOLMES, of Maine, and MILLS, maintained the opposite side of the question, and urging in his behalf facts, highly creditable to the patriotism and disinterestedness of the official conduct of the petitioner. Mr. TAYLOR, of Virginia, made some remarks on the difficulty of ascertaining the real facts of such cases, by the Senate, and adverse to the claims set up by the petitioner. Messrs. LANMAN, LLOYD, of Massachusets, and LOWRIE, also advocated the claim to a greater or less extent. To all these gentlemen Mr. RUGGLES replied, and the question being taken on the recommitment of the bill, it was carried—yeas 22, nays 15; and after some further discussion, on the part of Messrs. SMITH, LLOYD, of Massachusetts, D'WOLF, RUGGLES, MILLS, and others, as to the precise nature of the instructions to go to the committee.

The Senate went into consideration of Executive business, and soon after adjourned.

THURSDAY, February 19.

The bill to change the terms of the district court of the United States, for the Kentucky district; and the bill to provide for the extinguishment of the debt due to the United States by the purchasers of public lands; were severally read the second time.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petitions of Moses Wing, of Israel R. Potter, and Eleanor Tansey.

On motion, by Mr. Noble, the Committee on Pensions were discharged from the consideration of the petition of Cornelius Huson, and, on his motion, the said motion was ordered to lie on the table.

On motion, by Mr. Johnson, of Louisiana, Jumonville de Villier had leave to withdraw his petition and papers, presented at the first session of the Seventeenth Congress.

Mr. Mills presented the memorial of William Rotch, junior, and others, merchants, of New Bedford, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others; and it was postponed to, and made the order of the day for, Monday next.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to their amendments to the last mentioned bill, and concurred therein.

The Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States; and it was ordered to lie on the table.

OBADIAH JONES.

The Senate then proceeded to consider the report of the Committee on Claims, unfavorable to the petition of Obadiah Jones. The petitioner, a receiver of public moneys, in Alabama, prays that he may be indemnified for the loss of $495, belonging to the Government, which was stolen from him, and for which he has been required to account.

Mr. King, of Alabama, opposed the report of the committee. He stated the circumstances under which the robbery was committed, to show that the loss did not arise from any negligence of the petitioner, who sustains, as Mr. K. stated, a high character for integrity, and vigilance in the duties of his office.

Mr. Ruggles supported the report of the committee, on the ground that, in this instance, the loss had occurred from the want of proper care and vigilance in keeping the public money; that the petitioner receives a salary which compensates him for all the risks he incurs; and that there was not sufficient proof of his loss.

Some further remarks were made by Messrs. Van Dyke, Chandler, Smith, Mills, Kelly, Bell, and Noble.

Mr. King, of Alabama, moved that the report be recommitted, with instructions to report a bill authorizing the Secretary of the Treasury to pay to the petitioner the sum of $495, on proof being adduced, to the satisfaction of said Secretary, that the money was in fact stolen, without fault on the part of the petitioner. Mr. K. supported, and Mr. Ruggles opposed, this motion. It was rejected; and the report of the committee was then agreed to.

Friday, February 20.

The President communicated a report from the Postmaster General, with a list of the unproductive post roads, for the year 1823. The report was read, and referred to the Committee on the Post Office and Post Roads.

The President communicated a report from the Secretary of the Treasury, showing the payments made at the Treasury for the discharge of miscellaneous claims, during the year 1823; the contracts and purchases made by collectors, for the revenue service, during the year 1822; the expenditures, on account of sick and disabled seamen, during the year 1822; and the contracts made, relative to oil, lighthouses, beacons, buoys, stakeages, &c.

Mr. Talbot communicated the remonstrance of the Legislature of Kentucky against the decision of the Supreme Court of the United States, in the case of Green, and others, against Biddle, at the last term, declaring the act of that State, of the 27th February, 1797, concerning occupying claimants of land, and the act amendatory thereof, passed 31st January, 1812, to be unconstitutional and void; representing the principle therein proclaimed as an infringement of the sovereignty of the State; and requesting their Senators and Representatives in Congress to use their best exertions to procure the passage of a law requiring the concurrence of two-thirds of the judges of that court, in all cases involving the validity of a law of any State, or an increase of the number of the judges. The remonstrance was read, and referred to the Committee on the Judiciary.

Mr. Branch presented the memorial of David Wallace, senior, praying indemnification for depredations committed on his property by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. Ruggles, from the Committee on Claims, to whom was recommitted the bill for the relief of Amasa Stetson, with instructions to make a further allowance for interest, reported the same, with an amendment. The committee propose an additional section, allowing a further sum of about two thousand five hundred dollars, for interest on moneys advanced, &c.

Mr. Eaton, from the Committee on Public Lands, to whom was recommitted, with instructions, the petition of John Forbes and Co., and of

John McAlister, reported a bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; which was read, and passed to a second reading.

Mr. SEYMOUR asked and obtained leave to bring in a bill in addition to an act entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes;" which was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Samuel White, made a report, accompanied by a bill for the relief of Samuel White. The report and bill were read, and the bill passed to a second reading.

On motion of Mr. TALBOT, the bill for the relief of James Johnson, of Kentucky, was taken up for consideration, in Committee of the Whole. This bill proposes to allow Mr. Johnson, who was a paymaster in a regiment of volunteers, during the late war, a credit in the settlement of his accounts with the Government, for moneys paid for rations, more than was allowed by the law fixing the price of rations. After a few remarks by Messrs. TALBOT, CHANDLER, SMITH, WILLIAMS, and JACKSON, the bill was reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill explanatory of an act confirming claims to lots in the town of Mobile, reported it without amendment.

On motion, by Mr. KING, of Alabama, that the Committee on Public Lands be discharged from the consideration of the petition of James Ore, the said motion was ordered to lie on the table.

The Senate proceeded to consider the bill for the better security of public moneys in the hands of marshals, clerks, and attorneys; and, after some discussion by Messrs. HOLMES, of Maine, MILLS, and VAN DYKE, the bill, on motion of Mr. WILLIAMS, was recommitted to the Committee on the Judiciary.

The bill to abolish imprisonment for debt was taken up. Mr. VAN BUREN proposed two new sections, as substitutes for the first and fourth sections of the bill. The amendments were ordered to be printed, and the whole subject was postponed till Monday next, and made the order of that day.

ROADS IN FLORIDA.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida."

The bill proposes an appropriation of twenty thousand dollars for the purpose of making a road from Pensacola to St. Augustine, and three thousand dollars for the purpose of surveying routes for two other roads intersecting said Territory at different points.

Mr. BROWN stated that the distance over which the road was proposed to be made, was about three hundred miles; and the distance to be surveyed for the two other roads would be about six hundred miles. It was of great importance to have a communication opened along the coast of that Territory. The inhabitants, living under the same government, were widely separated from each other. The proposed road will pass through a very fine and fertile country, mostly belonging to the Government of the United States. It appeared to the committee to be necessary that something should be done to increase the value of this property. The trustees of that Territory require protection from the Government, and this measure will accelerate its settlement. As the sum appropriated was not very great, he hoped the bill would pass.

Mr. JACKSON said this road was of great importance, from two considerations—the first, as it related to the defence, and the second, in regard to the population of that part of the country. If gentlemen would recur to the map of that part of the Territory, they would perceive that it would be absolutely impossible to succor St. Augustine, except by water. The road could be made at a small expense, and would furnish the means of immediate defence. He thought the United States ought to keep an eye on that part of the country—it is now very weak and defenceless. Without this road, people could not be induced so speedily to emigrate to that Territory, and its settlement would be retarded.

Mr. LOWRIE said there were two objects specified in this bill, which the gentleman had not touched upon—the surveys of two other routes, besides the one where the road was to be made. He wished information on those points; as three thousand dollars was appropriated for the surveys, while only twenty thousand dollars was to be granted for making the other road.

Mr. BROWN, in explanation, remarked that the contemplated routes, which were to be surveyed, embraced an extent of six hundred miles; while the road to be made was only three hundred. Those routes which were to be traced out, touch at different parts of the Territory, the communication with which is highly important.

Mr. LOWRIE inquired of the chairman of the Committee on Roads and Canals, what data the committee had adopted, in estimating the expenditures for these purposes.

Mr. BROWN said the committee had before them the statements furnished by the delegate who represented that Territory in the other House. From these, and such information as could be gained from the map of that country, the estimates were made.

Mr. JACKSON did not doubt that the appropriation provided in this bill, with the labor of the military force stationed in that part of the country, would be adequate to the proposed objects—he said that, by this means, a topographical view of the country through which the roads were to run, would be obtained; and the President would not apply more money to the purpose than should be found necessary.

Mr. CHANDLER thought that must be a very extraordinary country indeed, if twenty thousand dollars would make three hundred miles of road in it. We have been told that the soldiers could not work in that country. Mr. C. believed that, if twenty thousand dollars were appropriated now, it would not be a great while before Congress would be called upon, to vote more money for this object.

Mr. **HOLMES**, of Maine, could hardly believe that fifty or sixty dollars a mile, which was all the sum mentioned in the bill would amount to, would be sufficient to make this road. He felt in favor of making a road from Pensacola to St. Augustine, but wished to know what the real cost of such a road would be. How much it would cost in money, and how much labor the soldiers could perform. He wished to know if the committee had estimated the cost. When appropriations are to be made, an estimate is generally required. When a lighthouse or a pier is to be built, the committee is called upon for an estimate. He thought the Government were going too far in this business, in making out these two roads of three hundred miles each. The distance, considering the sinuosities of the road, might be a great deal more than was calculated. If the survey is made, we shall be called upon, some time or other, to make the roads also. Mr. H. thought it would be much better to begin by making the road from Pensacola to St. Augustine; they are united under one government, the operations of which require that there should be a communication between the two places. He was, therefore, in favor of that part of the bill.

Mr. **ELLIOTT** said, that he was not surprised that gentlemen who came from a part of the country where roads were made in a very different manner, should think the sum mentioned in this bill too small for the contemplated purpose. In that part of the country where the roads must be rendered perfectly hard, so as to secure them from the operation of the frost, the expense would, undoubtedly, be much greater. But, in the section where this road is to be located, all that is done is to fell the trees, and excavate ditches by the side of the road. There is no need of any great quantity of material. He believed ten thousand dollars would be sufficient to fell the timber, and lay out the road. The most important difficulty is the swamps through which the road must pass; the timber is rolled into them, as it is cut down, and the mud is filled in from the ditches. These are our roads. They are not like those in the North, and hence they do not cost as much money. He believed that twenty thousand dollars, with the services of the military, would be amply sufficient. With regard to the surveys to be made for the other roads, the population of the country would be greatly facilitated by opening these communications. They pass through a wilderness, in which it is only necessary to fell the timber, and those who pass upon the road will make it. We have only to mark out the way. In the event of war, it would be very important, as furnishing opportunities for an army to pass with celerity. Mr. E. thought it absolutely necessary, for the welfare of that part of the country, that this bill should be adopted; the country would then be open to the inspection of persons who wish to settle there. It is now in a very exposed situation; it may be called the *piquet* of the Union; and shall we suffer it to remain defenceless? As this measure would furnish facilities for investigating the country, and means for its defence, Mr. E. hoped it would be agreed to.

Mr. **JACKSON** said he had himself marched through a considerable part of that Territory, and was enabled to open roads at the rate of twenty miles a day. If an army was able to open a road at that rate, he believed that twenty thousand dollars would be a sufficient sum for this purpose. He had no doubt that it would be sufficient, unless bridges were to be made over the streams, which he believed was not intended.

Mr. **BROWN** said that, as the gentleman from Maine wished for estimates, as they were furnished in regard to lighthouses, &c., he could inform him, in relation to the surveys to be made in Florida, it was estimated that they would cost five dollars per mile; that surveyors in that section of the country would trace out roads at the rate of three dollars the mile; and the committee calculated that five dollars a mile would defray the whole expense. The utility of these surveys, he thought, was unquestionable, as they served as guides to travellers who explore the country. The soil is so dry, and so easy to be worked, that he believed the expense would not be more than the sum proposed in the bill.

The bill was then reported to the Senate without amendment; and, upon its passage to a third reading, Mr. **CHANDLER** called for the yeas and nays, which were as follows:

YEAS—Messrs. Barton, Branch, Brown, Eaton, Edwards of Connecticut, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Louisiana, King of Alabama, Lanman, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, Ware, Williams—18.

NAYS—Messrs. Bell, Chandler, Clayton, D'Wolf, Knight, Macon, Taylor of Virginia, Van Dyke—8.

So the bill passed to a third reading.

MONDAY, February 23.

The **PRESIDENT** communicated a report from the Secretary of War, with a report of the Second Auditor, relative to the accounts for disbursements in the Indian Department, for the year ending 30th September, 1823; which was read, and referred to the Committee on Indian Affairs, to consider and report thereon.

The **PRESIDENT** communicated a report of the Postmaster General, with the number, names, and salaries, of the clerks employed in his office, during the year 1823.

Mr. **LOWRIE** presented the memorial of William Duane, late Adjutant General in the Army of the United States, praying remuneration for money expended, services rendered, and losses sustained, in the service of the Government. The memorial was read, and referred to the Committee on Military Affairs.

Mr. JOHNSON, of Kentucky, presented the petition of Lewis A. Tarascon, and others, praying the opening of a wagon road from the river Missouri, north of the river Kansas, to the river Columbia; which was read, and referred to the select committee on roads and canals.

Mr. NOBLE communicated the following resolutions of the General Assembly of the State of Indiana, viz:

Resolved, by the General Assembly of the State of Indiana, That the reasons of the compact between the General Government and this State, by which this State guarantied an exemption from taxation of all lands, for five years from and after the purchase thereof, purchased of the General Government after the first day of December, one thousand eight hundred and sixteen, have, by the act of Congress changing the whole land system, totally ceased.

Resolved, That the right of taxation, on the part of this State, from and after the day of sale, cannot, by any possibility, be injurious to the interests of the United States.

Resolved, That our Representatives in Congress be requested, and our Senators instructed, to use their utmost exertions to obtain a repeal, or modification, of the compact between the United States and this State, as referred to in the foregoing resolution.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to the Speaker of the House of Representatives in Congress, and a copy to each of our Senators and Representatives.

The resolutions were read, and referred to the Committee on Public Lands.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of William Eaton, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

The report and resolution were read, and ordered to be printed.

On motion, by Mr. JOHNSON, of Kentucky, the Committee on Military Affairs were discharged from the consideration of the petition of Holden W. Prout, administrator of Joshua W. Prout.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Lewis A. Petray and Just Viel, and of Napier, Rapelye, and Bennett, made separate reports, accompanied by a bill for the relief of Napier, Rapelye, and Bennett, and Petray and Viel. The reports and bill were read, and the bill passed to a second reading; and the reports were ordered to be printed.

Mr. HAYNE presented the memorial of William Elliott, and others, styling themselves a committee in behalf of the inhabitants of Beaufort, South Carolina, protesting against the imposition of any additional duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to inform the Senate, what measures have been taken to procure and lay before the Senate, at this session of Congress, the originals, or copies, of all the contracts for surveying the public lands, made by the Surveyor General of Illinois, Missouri, and Arkansas, since the first day of January, 1819, in compliance with a resolution of the Senate, adopted on the 25th of February, 1823; and at what time said contracts, or copies thereof, will probably be laid before the Senate, in pursuance of said resolution.

Mr. HOLMES, of Maine, submitted the following motion for consideration; which was read:

Resolved, That the following rule be added to the rules of the Senate:

The yeas and nays shall be required, on the final vote on every act, in the three last days of every session.

The resolution was ordered to a second reading.

JAMES ORE, &c.

The motion of Mr. KING, of Alabama, submitted some days since, that the Committee on Public Lands be discharged from the further consideration of the petition of James Ore, was taken up. This petitioner holds a tract of land, under the eighth article of the treaty of 8th July, 1817, with the Cherokee tribe of Indians, reserving to each of the heads of families residing on the territory ceded by that treaty, a life estate in a tract of six hundred acres of land, the fee simple to go to their children; these titles to be forfeited in case they leave the land. The petitioner prays that the fee simple to the land may be vested in him.

Mr. KELLY opposed the motion, on the grounds that the principles which had been adopted in extinguishing the Indian title by purchase, and a fair regard to the character of contracts, ought to give the fee simple to the holders of the land, instead of their descendants; that most of the Indians were now so far civilized, as to be competent to take due care of their property; and if they should not prove good neighbors, their land might be bought from them, if they were invested with the title, so far as to be able to dispose of it; as it stood at present, they were compelled to remain upon the land, or to forfeit their title. He was, therefore, opposed to discharging the Committee.

Mr. KING, of Alabama, briefly supported the motion to discharge. And the motion was then agreed to.

The bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and providing for the discipline thereof; the bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; and the bill for the relief of Samuel White, were severally read the second time.

The bill for the relief of James Johnson was read the third time, and passed.

The bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the military service of the United States, for the year 1824," and a bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," in which bills they request the concurrence of the Senate.

AMERICAN HEMP.

The PRESIDENT communicated a report from the Secretary of the Navy, made in compliance with a resolution of the Senate, of the 22d January last, on the subject of the use of American hemp for cordage, in the naval service. The report was read, and ordered to be printed. It is as follows:

NAVY DEPARTMENT, *Feb.* 13, 1824.

SIR: In answer to a resolution of the Senate of the 22d of January last, "that the Secretary of the Navy be requested to communicate to the Senate, so far as can be ascertained from the accounts in the Navy Department, the quantity of cordage manufactured from hemp of domestic growth, which has been used in the service of the Navy, since the year 1812; and the reasons, if any, why cordage manufactured from domestic hemp cannot be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp," I have the honor to enclose a letter from the Board of Navy Commissioners, dated 27th January, 1824, and one from the Fourth Auditor of the Treasury, dated 12th February, 1824; and am,

Very respectfully, sir, your most obedient servant,

SAMUEL L. SOUTHARD.

Hon. PRESIDENT OF THE SENATE.

NAVY COMMISSIONERS' OFFICE,
January 27, 1824.

SIR: Upon the subject of the resolution of the honorable the Senate of the United States of the 22d instant, calling for information as to the "quantity of cordage manufactured from hemp of American growth, which has been used in the service of the Navy since the year 1812, and the reasons, if any, why cordage manufactured from American hemp cannot be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp," the Commissioners of the Navy have the honor to state:

That they have no knowledge of any cordage, manufactured from hemp of American growth, having been used in the Navy since the establishment of the board; that, in the contracts made by them for cordage, they have uniformly introduced a stipulation, binding the contractors to manufacture the cordage of the best Russian hemp.

The reasons which entitle Russian hemp to a preference are to be found solely, it is believed, in the manner of preparing it for market. In its natural state American hemp is, unquestionably, as good as that of any other country; and numerous experiments prove the fact, that, when prepared as Russian hemp is, it is fully equal to the best Russian hemp, and indeed superior to that generally imported. The Russian method is called "water rotting;" that practised in the United States "dew rotting."

Hemp prepared by dew rotting has a dark color, and frequently appears as if it were mildewed. But, from whatever cause, or combination of causes, it may proceed, universal experience has proved that cordage made of dew-rotted hemp is far less durable than that made of water-rotted hemp, particularly when used for cables; although, when perfectly new, it may be nearly as strong, and is sometimes found to be equally so. Hence, cordage manufactured from American hemp cannot, in the opinion of the commissioners, be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp.

With a climate and great extent of soil, admirably adapted to the culture of hemp, it appears to be a subject of regret that our countrymen have not fallen upon some plan of preparing their hemp for use, so as to give it all the advantages it naturally possesses. The commissioners have ever been desirous of introducing into our Navy cordage made of hemp of our own growth; but when they reflect that the safety of our ships, and the lives of those on board of them, depend so much upon the quality of the cordage used, they cannot take upon themselves the responsibility of using that which their own and universal experience have pronounced to be of inferior quality.

The commissioners have heretofore offered every encouragement in their power, consistently with a due regard to economy, to the growers of American hemp, to induce them to adopt the Russian or some other equally good method of preparing their hemp. Could this be effected, the duty of the commissioners would then, in their view of the subject, permit them to indulge the disposition, which they will never cease to cherish, to use for the navy cordage manufactured of American hemp, to the entire exclusion of hemp the product of any other country.

I have the honor to be, &c.

JOHN RODGERS.

Hon. S. L. SOUTHARD, *Sec'ry of Navy.*

TREASURY DEPARTMENT,
Fourth Auditor's Office, Feb. 13, 1824.

SIR: In answer to your letter of the 31st ult., enclosing a copy of the resolution of the Senate of the United States, requiring information relative to the quantity of cordage manufactured from hemp of domestic growth, since the year 1812, I have the honor to state that the information cannot be accurately ascertained from the settlements made in this office. It appears, however, that about one hundred and eighty-two tons of Kentucky yarns, and cordage manufactured from Kentucky hempen yarns, have been contracted for and delivered in 1813 and 1814, viz:

One hundred tons cordage, contracted for by Mathew L. Davis, to be manufactured from Kentucky hempen yarns, and delivered at New York in 1813.

Fifty tons Kentucky yarns, contracted for by Richard Pindell and H. Clay, delivered at Baltimore in 1814.

Thirty-one tons 17 cwt. 2 qrs. 27 lbs. Kentucky yarns, contracted for and delivered at New Orleans in 1813, by W. Garret.

I have the honor to be, &c.

CONSTANT FREEMAN,
Fourth Auditor.

Hon. S. L. SOUTHARD, *Sec'ry of Navy.*

EBENEZER OLIVER, AND OTHERS.

The report of the Committee on the Judiciary, unfavorable to the petition of Ebenezer Oliver, and others, of Boston, was taken up for consideration. These petitioners, as Directors of the New England Mississippi Land Company, claim indemnity for a tract of land belonging to them; which indemnity, to the amount of about $130,000, was awarded to another company, by an error of the commissioners appointed under the act of 3d March, 1814, to adjust and determine upon the Georgia land claims, (commonly called the Yazoo claims,) a considerable part of this money having since come into the hands of the United States, to whom a proportion of the claim of the latter company belonged.

This error, on the part of the commissioners, is now an acknowledged one; they having decided that, as the endorsed notes of hand, which were given in payment for said tract of land, had not been paid, the holders of these notes retained a lien upon the land as security. The petitioners also claim that, if it should not appear proper to the Government to give them the indemnity which they lost by an error on the part of the commissioners, their releases may be given up, and they be reinstated in the title which they held previous to the appointment of the commissioners; as the act of Congress expressly provides that the release, which the petitioners gave to the Government, was not to take effect until indemnity was made.

Mr. MILLS moved to reverse the report of the committee. He spoke, at considerable length, in support of the justice and equity of this claim.

Mr. VAN BUREN, chairman of the Committee on the Judiciary, supported the report. He did not consider that the Government was bound, in justice or equity, to allow the claim now under consideration. He believed it would be highly inexpedient and impolitic to allow it; and went into a history of the origin of the claim, to support his opinion. As the commissioners were appointed to decide *finally* upon all the conflicting claims of this kind, according to the best of the light and knowledge which they possessed; and as this was an error in judgment upon law merely, he thought their proceedings could not be opened by Congress for the correction of errors. He resisted the claim of the petitioners to be reinstated in their former title to the land, on the ground that the very spirit of the law for the appointment of the commissioners forbade it, as the grand object for which that law was passed, was, to quiet all these conflicting claims, and relieve the Government from them.

Messrs. HOLMES, of Maine, and KELLY, advocated the report of the committee; and, without deciding upon the question, the Senate adjourned.

TUESDAY, February 24.

The PRESIDENT communicated the report of the Secretary of the Treasury, with statements from the incorporated banks in the District of Columbia, showing the state of their affairs on the 31st of December last.

Mr. HAYNE presented the petition of Peter Trezevant, formerly a purser in the Navy of the United States, praying an equitable settlement of his accounts; which was read, and referred to the Committee on Finance.

Mr. LLOYD, of Maryland, presented the petition of Benjamin M. Belt, praying payment of his account, for materials and labor, in fitting up apartments in the City Hall, for the accommodation of the circuit court of the District of Columbia; which was read, and referred to the Committee on the District of Columbia.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson courthouse land districts, reported it with an amendment.

Mr. NOBLE, from the Committee on Pensions, moved that the Committee be discharged from the further consideration of the petition of Cornelius Hewson. This petitioner prays the allowance of a pension, in consequence of wounds received by a fall on the ice, while engaged in the transportation of forage for the United States troops; by which, as he states, he has been disabled from laboring for his support. The committee was accordingly discharged.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the petition of Marie Louise de la Gautrais, widow of François Gonsoulin, made a report, accompanied by a bill for the relief of the heirs of Harpin de la Gautrais; and the report and bill were read, and the bill passed to a second reading.

The two bills from the House of Representatives, brought up yesterday for concurrence, were severally read.

The bill, entitled "An act making appropriations for the military service of the United States, for the year 1824," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill for the relief of Napier, Rapelye and Bennett, and Petray and Viel, was read the second time.

The resolution proposing an additional rule, for conducting business in the Senate, was read the second time.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others, together with the proposed amendment; and, on motion by Mr. TALBOT, the consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate proceeded to consider the motion of yesterday, requesting information relative to contracts for surveying certain public lands, which was requested by a resolution of the Senate of the 25th of February, 1823, and agreed thereto; and the Secretary was directed to lay the same before the President of the United States.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage, manufactured in the United States from foreign hemp; and, on motion by Mr. D'WOLF, it was postponed to, and made the order of the day for, Tuesday, the 9th of March next.

On motion of Mr. VAN BUREN, the Senate proceeded, as in Committee of the Whole, to consider the bill authorizing letters patent to be issued to Samuel Brown. This bill came from the other House, and was reported by the Judiciary Committee of the Senate, without amendment. It authorizes a patent to be issued to Samuel Brown, for a certain valuable invention, in which several Americans are interested with him, but which cannot be patented, except by a special act, in consequence of the inventor not having resided in this country the requisite number of years. Mr. VAN BUREN stated the grounds upon which the bill was founded. It was then reported to the Senate without amendment, and passed to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill in further addition to "An act to establish a uniform rule of naturalization;" and it was recommitted to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States; together with the amendment reported thereto by the select committee; and, on motion, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," together with the amendments reported thereto by the Committee on the Judiciary; the amendments were agreed to, and the bill reported to the House amended accordingly; and, the amendments being concurred in, they were ordered to be engrossed, and the bill read a third time as amended.

The Senate proceeded to consider, as in Committee of the Whole, the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and Island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof; and, on motion, it was postponed until to-morrow.

CLAIM OF MASSACHUSETTS.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I herewith transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the militia of that State in the late war, and for which payment was made by the State. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that, when a call was made on the militia of that State for service, in the late war, under an arrangement which was alike applicable to the militia of all the States, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the Constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a complete power for those purposes, but conditional, and dependent on the consent of the Executives of the several States and, also, that, when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President, in person. That this decision of the Executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation, for the defence of our common rights, was the decided opinion of this Government; and when the period, at which that decision was formed, was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred, by the Executive of the United States, that the decision of the Executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

In the correspondence with the Governor of Massachusetts, at that important epoch, and on that very interesting subject, it was announced to him, by the Secretary of War, that, if the militia of the State were called into service by the Executive of the State, and not put under the command of the Major General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him, at the same time, that any claim which the State might have for the reimbursement of such expenses, could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances, a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the construction of the Constitution contended for by the then Executive of that State, or to its conduct, at that period, towards the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts and Maine, suggested, by memorial, that the Constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation, as to the Constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim, with that reservation.

In conformity with this arrangement, the Executive of Massachusetts appointed two citizens of that State, commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion, comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel, in some instances, actual invasion, and in others, by adequate preparation, invasions that were menaced. The commissioners of the State having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered—whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the State.

It affords me great pleasure to state, that the Executive of Massachusetts has disclaimed the principle which was maintained by the former Executive, and that, in this disclaimer, both branches of the Legislature have concurred. By this renunciation, the State is placed on the same ground, in this respect, with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our Government, as our fellow-citizens of the other States. Of this important truth, their conduct in every stage of our Revolutionary struggle, and in many other emergencies, bears ample testimony; and, I add, with profound interest and a thorough conviction, that, although the difficulty adverted to, in the late war, with their Executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the Government in the great body of our fellow-citizens of that State, was impaired; nor is a doubt entertained that they were at all times willing and ready to support their rights, and to repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it, if I did not think, under all the circumstances of the case, that the claim, in all its parts, was cognizable by Congress alone. The period at which the Constitutional difficulty was raised, by the Executive of the State, was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the Constitution; in doing which, it is gratifying to recollect that the most friendly feelings were cherished towards their brethren of that State. The Executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances, the power of the Executive of the United States to settle any portion of this claim, seems to be precluded. It seems proper, also, that this claim should be decided, on full investigation, before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every State, which can be done by Congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures, as will not only comport with the sound principles of our Government, but, likewise, be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then Executive of Massachusetts, as has been done by its present Executive and both branches of the Legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the Constitution is restored, in a very important feature—that connected with the public defence; and in the most important branch, that of the militia, to its native strength. It is gratifying to know, that this renunciation has been produced by the regular, orderly, and pacific operation of our Republican system, whereby those who were in the right at the moment of difficulty, and who sustained the Government with great firmness, have gained daily strength until this result was accomplished. The points on which you will have to decide, are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union, and give the greatest support to our most excellent Constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is, that the Constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States—that, regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with

the militia of the other States. The Constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified; and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States.

JAMES MONROE.

WASHINGTON, *Feb.* 23, 1824.

The Message was read, and ordered to be printed for the use of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to "An act to perfect certain locations and sales of public lands in Missouri," passed April 26, 1822; and, no amendment having been made thereto, it was reported to the House; and ordered to be engrossed, and read a third time.

IMPRISONMENT FOR DEBT.

The Senate then resumed the consideration of the bill to abolish imprisonment for debt.

After some remarks on the subject, from Messrs. LLOYD, of Massachusetts, BARBOUR, and JOHNSON, of Kentucky, the further consideration of it was postponed till to-morrow.

WEDNESDAY, February 25.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to whom was referred the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies, reported it, with an amendment.

On motion of Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of George Greer.

Mr. MILLS presented the memorial of William and Nathaniel Hooper, merchants, of Marblehead, praying indemnification for spoliations committed on their commerce, by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" was read the third time, as amended, and passed.

The bill from the House of Representatives, entitled "An act to authorize the issuing of letters patent to Samuel Brown," was read the third time, and passed.

The bill supplementary to "An act to perfect certain locations and sales of the public lands in Missouri," passed April 26, 1822, was read the third time, and passed.

The bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of the heirs of Don Harpin de la Gautrais was read the second time.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," with an amendment, in which they request the concurrence of the Senate.

Mr. McILVAINE, from the Committee on Claims, submitted a report, upon the petition of Captain Thomas Staniford, late Paymaster in the United States Army, who prays to be relieved from a judgment given against him, in favor of the United States, in consequence of the loss of his documents by fire. The committee report a bill for his relief; which was read, and passed to a second reading.

FRANCIS HENDERSON, JUN.

On motion of Mr. BARBOUR the Senate, in Committee of the Whole, proceeded to consider the bill reported by the Judiciary Committee, for the relief of Francis Henderson, jun. It will be recollected that this bill grants a certain sum of money to Mr. Henderson, who is the grandson of the late Colonel John Laurens, for diplomatic and military services rendered to the country by his grandfather. Mr. B. moved to amend the bill, by inserting a proviso, requiring, previous to the payment of the money, a full relinquishment of all claims for these services on the part of Francis and Frances E. Henderson, the father and mother of the person for whose relief the bill is drawn. Upon the question to amend, the merits of the bill itself were fully discussed.

Mr. LANMAN called for the reading of certain documents, showing the compensation which had already been made to Colonel Laurens, and his family. Messrs. BARBOUR, MILLS, and MACON, advocated the bill, and Messrs. CHANDLER, TAYLOR, of Virginia, HOLMES, of Maine, LANMAN, SMITH, BELL, and KELLY, opposed it.

The bill was supported on the grounds that the claim was one of strict justice—that the money was actually due for military services rendered by Colonel Laurens, and for outfits, which ought to have been allowed him in his diplomatic character, when appointed a special Minister to France; and that the objection made to paying the money to the grandson, instead of the daughter of Colonel Laurens, would be obviated by the adoption of the amendment, requiring the sanction of Mr. and Mrs. Henderson previous to the payment of the money.

It was objected against the passage of the bill, that Colonel Laurens, although he had rendered high and valuable services to the country, had received all the compensation that he had wished or expected for those services; that the length of time which had elapsed ought to be considered as a bar to all such claims; and that, if the claim were allowed at all, the money should be paid to the daughter, and not to the grandson of Colonel Laurens.

The amendment proposed by Mr. **BARBOUR** was carried. He then moved to fill the blank in the bill for the amount to be granted with "$7,542 41." This motion was rejected—14 yeas, 23 nays. Considering this last vote as decisive of the fate of the bill, Mr. **BARBOUR** moved its indefinite postponement, which was carried without opposition.

THURSDAY, February 26.

Mr. **LLOYD**, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Moses Atkinson, and others, made an unfavorable report thereon.

Mr. **MILLS** presented the petition of Peter Charles L'Enfant, praying compensation for his services in surveying and locating the City of Washington, and for making a map thereof. The petition was read, and referred to the Committee on the District of Columbia.

Mr. **MILLS** presented the petition of Martin Lincoln and Ann F. Humphreys, presenting an equitable settlement of the accounts of the late Gen. Benjamin Lincoln, and Gen. David Humphreys, for services rendered as commissioners in negotiating a treaty with the Creek Indians, in the year 1789. The petition was read, and referred to the Committee of Claims.

Mr. **TAYLOR**, of Virginia, gave notice that he would, on Monday next, ask leave to bring in a bill for the settlement of certain pecuniary claims against the United States.

On motion by Mr. **TALBOT**, the Senate resumed the motion of the 13th inst., to instruct the Committee on the Judiciary to inquire into the expediency of making certain modifications of the Judiciary act of 1789; and agreed thereto.

The Senate proceeded to consider the amendment of the House of Representatives, to their amendments to the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," and concurred therein.

The bill for the relief of Captain Thomas Staniford was read the second time.

The **PRESIDENT** communicated a report from the Secretary of State, with the names, number, and salaries, of the clerks employed in his office during the year 1823.

Mr. **JOHNSON**, of Kentucky, presented the petition of Thomas Johnston, late purser of the United States ship Constitution, in behalf of himself, and the officers and crew of said ship, praying that the proceeds of certain vessels, captured by that ship in the year 1805, may be paid to the captors. The petition was read, and referred to the Committee on Naval Affairs.

The following Message was read, received yesterday, from the **PRESIDENT OF THE UNITED STATES**:

To the Senate of the United States:

I herewith transmit a report from the Secretary of War, which communicates all the information in possession of the Department, which was called for by a resolution of the Senate of the 21st of January, 1824.

JAMES MONROE.

FEBRUARY 24, 1824.

EBENEZER OLIVER, AND OTHERS.

The Senate resumed the consideration of the report of the Committee on the Judiciary, adverse to the petition of Ebenezer Oliver, and others, of Boston, Directors of the New England Mississippi Land Company. A long discussion ensued upon the merits of the claim. The question was upon the motion made, at that time, by Mr. **MILLS**, to reverse the report of the committee. This motion was supported by Messrs. **LLOYD**, of Massachusetts, **LANMAN**, **SEYMOUR**, **TALBOT**, and **MILLS**, and opposed by Messrs. **VAN BUREN**, **KELLY**, and **HOLMES**, of Maine. The question was then taken, and the Senate refused to reverse the report, by a vote of 22 to 20, as follows:

YEAS—Messrs. Barton, Bell, Clayton, D'Wolf, Eaton, Hayne, Johnson of Kentucky, Johnson of Louisiana, King of N. York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Mills, Palmer, Parrott, Seymour, Talbot, and Van Dyke.

NAYS—Messrs. Barbour, Branch, Brown, Chandler, Dickerson, Edwards of Connecticut, Elliott, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Kelly, King of Alabama, Lowrie, Macon, Ruggles, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Ward.

Whereupon, in concurrence with said report, it was resolved that the prayer of the petitioners ought not to be granted.

FRIDAY, February 27.

On motion, by Mr. **MILLS**, the Committee on the District of Columbia were discharged from the consideration of the petition of Peter Charles L'Enfant, and it was referred to the Committee of Claims.

Mr. **LOWRIE** presented the memorial of the Chamber of Commerce of the city of Philadelphia, remonstrating against the passing of the bill, now before Congress, to impose additional duties on imports.

He also presented the memorial of Philip Tutchett and others, of G. Persico and others, of William Mayall and others, of Enos Ellis and others, of Andrew Young and others, and of George Myers and others, all of the city and county of Philadelphia, severally praying that the duties on imports may be increased.

He also presented the memorial of Henry Moore and others, of Delaware county, Pennsylvania, praying the imposition of additional duties on imported iron, and on the manufactures thereof. The said memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. **SEYMOUR** presented the memorial of D.

Henshaw, praying indemnification for depredations committed on his property by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The Senate proceeded to consider the report of the Committee of Claims on the petition of William Eaton; and it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Sarah Easton and Dorothy Storer; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed by Mr. VAN BUREN; and, on motion, by Mr. MILLS, it was postponed to Monday next.

The report of the Committee on Naval Affairs, unfavorable to the petition of Moses Atkinson, and others, was read for consideration. These petitioners pray that they be indemnified for losses sustained by the destruction of the ship Adams, destroyed at Castine, during the late war, at the time that place was invested by the enemy. The report was agreed to.

The bill providing for the more effectual defence of the country, by the organization of the militia, was taken up, and postponed to, and made the order of the day for, a week from next Monday.

On motion of Mr. JOHNSON, of Louisiana, the Senate, as in Committee of the Whole, proceeded to consider the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof.

Mr. VAN BUREN moved an amendment to confine the operation of the law to such claims as have been reported to the Government and laid before Congress, which was agreed to. He also proposed a new section to the bill, requiring that, in all claims amounting to one thousand acres, that the Attorney General of the United States shall be furnished with copies of the proceedings on such claims, in the District Court in which they are to be decided, in order that an appeal may be made, if thought proper, when the decisions are against the United States, to the Supreme Court.

This amendment was objected to by Messrs. LOWRIE and LANMAN, and supported by the mover, and Messrs. CHANDLER and HOLMES. Mr. JOHNSON, of Louisiana, explained the provisions of the bill. He stated that there would be about three hundred and sixty claims to be decided under this act, involving about a million of acres of land. The new section, proposed by Mr. VAN BUREN, was agreed to. The bill was then reported to the Senate, as amended; and, on motion of Mr. JOHNSON, of Louisiana, was postponed to Monday next, and made the order of that day.

MILITARY APPROPRIATIONS.

Mr. SMITH, from the Committee on Finance, reported the bill from the House of Representatives, making appropriations for the military service of the United States, for the year 1824, without amendment. On motion of Mr. SMITH, the Senate, as in Committee of the Whole, Mr. BRANCH in the chair, proceeded to the consideration of this bill.

Mr. SMITH said it would be perceived that this bill provided for but part of the military expenditures for the year, and for that part which it was highly important should be acted upon immediately. As the bill had been fully investigated by committees of both Houses, he presumed that no further explanation, on his part, was necessary.

Mr. MACON moved to strike out that part of the bill which provides an appropriation for the purchase of a farm in the vicinity of the Military Academy, at West Point, at a sum not exceeding ten thousand dollars; upon which farm there is a public house.

Mr. CHANDLER was in favor of striking out the clause alluded to. He thought it would be of no great use to purchase this farm, with the public house upon it, when another tavern could be erected immediately at some other place.

Mr. LOWRIE said he had hitherto entertained the opinion that the discipline at the Military Academy was such as not to require any appropriation like this: but, since he had examined into the statement of its situation, in relation to this tavern, he had no doubt of the propriety of purchasing the farm. It had been stated that, in consequence of the location of this public house in the vicinity of the institution, the students obtained liquor, which was introduced into the barracks, against the rules of the Academy. He considered the only question to be, whether a great nuisance should be removed, at the expense of ten thousand dollars. The Senate would recollect that great sums of money had been expended upon this seminary; and if, by the appropriation of ten thousand dollars, a great evil could be removed from it, he thought it important that it should be done. The object was incalculably greater than the expenditure proposed. He had much rather that the police of the institution should have been such as to restrain all improprieties of this kind: but perhaps it was not possible to restrain them. He understood the regulations were as good as they could be. He called for the reading of a letter, upon this subject, from the Superintendent of the Academy.

Mr. MACON believed that there was not a school, an academy, or an institution for the instruction of youth, in the United States, where similar evils were not to be found. These public houses, he said, were scattered about the country in every direction; and the expense would be immense if the Government was to purchase them all, to prevent their injurious effects upon our youth. He thought there was another objection to this purchase—the Government could not exercise authority over the land without the consent of the

State of New York. West Point had been ceded to the Government by the State; and, therefore, jurisdiction could be exercised over it. But, if this farm was bought, the land attached to that institution, will be held by two different tenures. If any profit is to be made by a public house there, another will soon be built—and the Government must buy all the land to prevent it. If the young students are determined to have a frolic, they will have it, at all events.

Mr. HOLMES, of Maine, had strong doubts of this appropriation. We are about to vote ten thousand dollars for the purchase of this farm. The owner will know very well what amount is appropriated, and he will not take less than the whole amount. It is a monstrous price for the land. Mr. H. believed it very necessary that there should be a public house somewhere in the vicinity of the Academy, for the accommodation of the friends of the students, and others who might visit it, and he believed there would be one. It is said that the place is so surrounded by mountains, that there is no spot on which to erect another house. But there is certainly a road over the mountains leading to the place; and enterprising individuals will be found, who will erect another house on or near that road. If the mountains are as high as Atlas itself, they will have a tavern—they will build a house upon the mountain, and make steps to it, if there is no other place. Are not these irregularities among the students the fault of the discipline of the institution? When the students wish to violate the rules, would they not rather have the public house further off? If the house were at a distance, so as to be without the view of the officers of the Academy, would not the excesses be greater? If we purchase this farm, another house will be immediately erected upon the borders of it, and the excesses will be greater there than they are at the present place. If the purchase is made at all, it must be by cession of the jurisdiction from the State. But, Mr. H. did not believe there was any necessity for the purchase.

Mr. LOWRIE said he had no doubt that a tavern was necessary in the vicinity of the Academy; and there certainly might be one there; but he thought it ought to be under the regulation of the Government of the institution. As to the question of jurisdiction, the United States undoubtedly have a right to purchase the same title which the present owner possesses; and this is all the jurisdiction that is wanted. He believed the object to be much greater than the price to be paid; and it was somewhat doubtful whether the farm could be purchased for the sum proposed.

Mr. LLOYD, of Maryland, hoped the amendment proposed by the gentleman from North Carolina would prevail. This appropriation would introduce a new principle into our Government—a principle that we shall purchase out every nuisance that exists in the neighborhood of our public seminaries. We confess that we are so deficient in discipline that we cannot prevent these bad effects, except by purchase. We have such nuisances near to every camp, arsenal, and public institution of every kind in the country. If a tavern becomes a great nuisance, instead of suppressing its abuses by the civil authority, we are to put it down by purchasing it. It is establishing a dangerous precedent. But, Mr. L. asked, with all respect for this Academy, and the men connected with it, why Congress was called upon to guard the morals of those youths only who are to be educated for the military service? Almost every other institution in the country is subject to the same inconveniences. It is our duty to guard their morals as well as those of the Military Academy. And are we certain, if the appropriation is made, and the farm purchased, that we shall get rid of the evil? No man can believe that, if the discipline of the institution is so lax as to suffer these excesses, and the young men are disposed to engage in them, that two or three miles will make any difference? If there is a tavern anywhere near the place, they will find the way to it. It seems that this violation of the rules of the Seminary takes place after 12 o'clock, at which time the guard is removed. Let the guard be posted till daylight, then. Is it nòt better to pursue that course than to establish the new system of jurisprudence proposed in this bill? Mr. L. thought the measure would not produce the good effects which were expected from it. If the Attorney General is correct in his opinion, the students of this Academy are subject to martial law. The same restraints must be imposed upon them as upon soldiers of the line. The officers have only to make their rules more strict. They must post their guards till sunrise, if necessary. Mr. L. said he doubted the constitutionality of the measure now proposed. He believed the United States could exercise no jurisdiction over the farm in question without the consent of the State. The jurisdiction cannot be acquired, except for the purposes which are specifically provided in the Constitution. [Mr. L. read the provision of the Constitution on this subject.] Under that clause, he did not believe that a purchase could be made for this object; and he thought it would introduce a bad principle into the Government.

Mr. VAN BUREN said that his honorable colleague, who was a member of the committee that reported this bill, and who had paid considerable attention to this subject, was not now in his seat. He therefore moved that the bill be postponed till Monday next, and made the order of that day. This motion was agreed to.

WESTERN DISTRICT OF LOUISIANA.

The bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district, was taken up in Committee of the Whole. Mr. JOHNSON, of Louisiana, explained the object of the bill. He said it merely authorized the register to report upon certain claims which were not reported upon by his predecessor, in consequence of his appointment to another office. Without taking any question on the bill, the Senate adjourned.

MONDAY, March 1.

On motion, by Mr. SMITH, the Committee on Finance were discharged from the consideration of the petition of Peter Trezevant; and it was referred to the Committee on Naval Affairs.

Mr. NOBLE communicated the preamble and resolutions of the General Assembly of Indiana, approving the sentiments expressed in the Message of the President of the United States at the opening of the present Congress, as respects our foreign and domestic policy; expressing their warmest sympathy and admiration for the inhabitants of Greece, in resisting the oppressions of the Government of Turkey; and declaring their approbation of any countenance and encouragement that may be extended to them by this Government, consistent with the principles of neutrality; which were read, and laid on file.

Mr. LLOYD, of Massachusetts, presented the memorial of the Vestry of Christ's church parish, in the city of Washington, praying the aid of Congress in erecting a durable wall around their burial ground, as well for the purpose of protecting it from improper intrusion, as to preserve the monuments erected therein at the expense of the Government from wanton injury; which was read, and referred to the Committee on the District of Columbia.

Mr. VAN BUREN presented the petition of James Thomas, late Quartermaster General in the Army, praying that a judgment obtained by the United States against him in the Supreme Court of the Territory of Michigan, in September, 1818, may be opened, and a new trial granted, so that he may be let in to a just and equitable defence; which was read, and referred to the Committee of Claims.

Mr. LOWRIE stated, that he had some doubts as to the propriety of the vote passed by the Senate, some days since, by which the report of the Judiciary Committee, unfavorable to the petition of Ebenezer Oliver and others, was accepted. He would, therefore, move the re-consideration of that vote, and wished the motion might be permitted to lie upon the table, with a view to call it up hereafter, in case a further discussion of the merits of the claim should be thought proper. He then moved the reconsideration of that vote; and the motion was ordered to lie on the table.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the memorial of the President and Directors of the Columbia Turnpike Road Company, reported a bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" which was read, and passed to a second reading.

Mr. TAYLOR, of Virginia, asked and obtained leave to bring in a bill to provide for the settlement of pecuniary claims; which was read twice, by unanimous consent, and referred to the Committee on the Judiciary.

A message from the House of Representatives announced to the Senate the death of WILLIAM LEE BALL, late a member of the House of Representatives from the State of Virginia, and that his funeral will take place to-morrow, at twelve o'clock, M.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was postponed until to-morrow.

On motion, by Mr. BARBOUR, it was

Resolved, unanimously, That the Senate will attend the funeral of the Hon. WILLIAM LEE BALL, late a member of the House of Representatives, from the State of Virginia, to-morrow, at twelve o'clock, and, as a testimony of respect for the memory of the deceased, they will go in mourning, and wear crape round the left arm, for thirty days.

The Senate then adjourned to Wednesday.

WEDNESDAY, March 3.

The PRESIDENT communicated the report of the Secretary of War, exhibiting the amount of the expense on account of the Military Academy at West Point, for one year preceding the 30th of September last, made in obedience to a resolution of the Senate, of the first of March last.

Mr. ELLIOTT presented the memorial of George Jones, and others, citizens of the city of Savannah, and county of Chatham, in Georgia, praying that no increase of the duties on imports may be made; with their reasons at large against the bill now before Congress on that subject. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. HAYNE presented the memorial of David R. Williams, and others, in behalf of the citizens of Darlington, in South Carolina, praying that no act may pass Congress whereby the existing rate of duties on imports may be increased; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. MILLS presented the petition of Holder Slocum, of Dartmouth, Massachusetts, praying the interposition of the Government, to enable him to obtain indemnity for losses sustained in consequence of the unjust detention of his vessel, at Hamburg, by the French Government, in the year 1807; which was read, and referred to the Committee on Foreign Relations.

Mr. KING, of New York, presented the memorial of John Vanderlyn, suggesting the propriety of the execution of a painting representing the battle on the plains of New Orleans, and requesting to be employed for that purpose; which was read, and referred to the Committee on the District of Columbia.

Mr. PARROTT presented the petition of Jonathan Folsom, and Thomas Haven, of Portsmouth, in New Hampshire, praying that their account, for erecting a ship-house, slip, and launch-ways, at the navy yard, at Portsmouth, may be settled upon equitable principles; which was read, and referred to the Committee on Naval Affairs.

Mr. LANMAN presented the petition of Nathaniel Canada, of New London, Connecticut, praying indemnification for the loss of the bridge at Rope Ferry, which he states was burnt by the British forces in 1814, in consequence of the toll-house, attached thereto, being occupied by the American troops. The petition was read, and referred to the Committee of Claims.

Mr. VAN BUREN presented the memorial of the United Society, called Shakers, of New York, praying to be exempted from the performance of militia duty, being conscientiously opposed to bearing arms; which was read, and referred to the Committee on the Militia.

Mr. WARE presented the memorial of the inhabitants of the city of Darien, and McIntosh county, in Georgia, representing the bill now before Congress, to increase the duties on imports, as unequal in its operation, and unconstitutional, and remonstrating against its becoming a law; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BRANCH presented the memorial of the General Assembly of North Carolina, representing that that State ceded to the United States that portion of their territory which now forms the State of Tennessee, reserving the right to perfect titles to land therein, either for military services, or upon entries which had been made agreeably to law, and the titles thereon not perfected by grant; that, by a subsequent compact with Tennessee, those rights were transferred to that State, upon certain conditions, one of which is, that North Carolina shall have the exclusive right of issuing military land warrants; that no time is prescribed, either in the act of cession, or in the compact with Tennessee, within which the claimants shall assert their rights; that, by an act of Tennessee, a period was fixed when those claims should be exhibited, which has expired; and that a number of those claims remain unsatisfied, and for the satisfaction of which the faith of North Carolina stands pledged; and praying that provision may be made by Congress for their liquidation. The memorial was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of opening a post road from Baton Rouge to the Opelousas Courthouse, in the State of Louisiana.

The bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia," was read the second time.

On motion, by Mr. LLOYD, of Massachusetts, the Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States; and, on motion, it was postponed till to-morrow.

MILITARY APPROPRIATIONS.

On motion of Mr. SMITH, the Senate (as in Committee of the Whole) resumed the consideration of the bill from the other House, making appropriations for the military service of the United States, for the year 1824. The question was stated from the Chair, to be upon the motion made by Mr. MACON, when the bill was before under consideration, to strike out the clause providing for the purchase of a farm, upon which is a tavern, in the vicinity of the Military Academy, at West Point.

This motion was supported by Messrs. HOLMES, of Maine, CHANDLER, MACON, LLOYD, of Maryland, BRANCH, TAYLOR, of Virginia, and LANMAN, on the ground that the purchase of the farm in question would not remove the nuisance, in consequence of the existence of which, the purchase is proposed; as a tavern might be built on some place a little further removed from the Academy; and the incapacity of the United States to make the purchase, and hold the title, was urged as an objection. The motion to strike out this appropriation was opposed by Messrs. KING, of New York, VAN BUREN, SMITH, HAYNE, and MILLS, who contended that the removal of the tavern from this farm, or its regulation by the officers of the Academy, would eminently promote the interest of the institution, and preserve the morals of the students. The power of the Government to purchase and hold the land was also supported. The question was then taken, by yeas and nays, and decided against striking out this approbation, 16 in the affirmative, and 26 in the negative, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Gaillard, Holmes of Maine, King of Alabama, Lanman, Lloyd of Maryland, Macon, Palmer, Talbot, Taylor of Indiana, Taylor of Virginia, and Ware—16.

NAYS—Messrs. Brown, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Noble, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, Van Dyke, and Williams—26.

The bill was then reported to the Senate without amendment, and passed to a third reading.

THURSDAY, March 4.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of Jesse Camp.

Mr. JOHNSON, of Kentucky, presented sundry documents in support of the claim of François Navarre, for property lost during the late war; which were read, and referred to the Committee of Claims.

Mr. HAYNE presented the petition of the legal representatives of James Roddey, late of Charleston, South Carolina, deceased, stating that the deceased was a contractor for the Army during the late war, and that a large balance is due from the United States to his estate on that account; which balance has been improperly transferred on the books of the Treasury to the credit of one Robert C. Jennings, which illegal proceeding they pray may be investigated and corrected. The petition was read, and referred to the Committee on Finance.

Mr. **Williams** presented the memorial of the Legislature of Mississippi, praying the extinction of the Indian title to certain lands within that State; which was read, and referred to the Committee on Indian Affairs.

Mr. **Van Buren**, from the Committee on the Judiciary, to whom was referred the bill in addition to an act entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," reported it without amendment.

Mr. V. B., from the same committee, to whom was referred the bill to provide for the settlement of certain pecuniary claims against the United States, reported it without amendments.

Mr. V. B., from the same committee, to whom the subject was referred by resolution of the Senate of the 17th December last, reported a bill in addition to the act relative to the election of a President and Vice President of the United States, which was twice read, by unanimous consent.

Mr. **Lloyd**, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the several instructions to the Ministers of the United States to the Government of France, and of the correspondence between the said Ministers and Government, having reference to the spoliations committed by that Power on the commerce of the United States anterior to the 30th of September, 1800; or so much thereof as can be communicated without prejudice to the public interests; also, how far, if at all, the claim of indemnity from the Government of France, for the spoliations aforesaid, was affected by the Convention entered into between the United States and France on the said 30th of September, 1800.

Mr. **Ware** presented the preamble and resolutions adopted at a meeting of the citizens of Augusta, against any increase of duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

The bill from the House of Representatives, entitled "An act making appropriations for the military service of the United States for the year 1824," was read the third time, and passed.

SARAH EASTON AND DOROTHY STORER.

The report of the Committee on Claims, adverse to the petition of Sarah Easton and Dorothy Storer, was taken up for consideration. These petitioners, daughters of the late Colonel Robert H. Harrison, pray that they may receive the commutation for half pay, and the bounty land, provided by Congress for the officers and soldiers of the Revolutionary Army, to which they think they are entitled in virtue of the services rendered by their father, as Aid-de-Camp and principal Secretary to General Washington, from 1775 to 1781, at which time General H. retired from the Army, on furlough, in consequence of the bad state of his health, which he never afterwards recovered, and died in 1790. The Committee report against the claim, on the grounds that there is not sufficient evidence that General Harrison retired from the Army, on furlough; or that his case could be brought within the acts allowing the commutation and bounty—that his accounts with the Government do not appear to have been regularly settled—that it is not found that he himself ever made any claim for half pay, or bounty land, and that they cannot perceive any good reason why the prayer of the petitioners should be granted.

Mr. **Lloyd**, of Maryland, opposed the report of the Committee, and moved to reverse it. Messrs. **Barbour** and **Johnson**, of Louisiana, advocated that motion, and Messrs. **Bell**, **Chandler**, **Taylor**, of Virginia, and **Ruggles**, opposed it. Without taking the question, the Senate adjourned.

Friday, March 5.

The following Message was received from the **President of the United States**:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, containing copies of the contracts made by the Surveyor General, and called for by a resolution of the Senate, bearing date the 24th February, 1824.

JAMES MONROE.

March 3, 1824.

The Message and report were read, and referred to the Committee on Public Lands.

The **President** communicated the preamble and resolutions of the Legislature of New York, requesting their Senators and Representatives in Congress to use their best exertions to procure from the United States indemnification for losses sustained by the conflagration and destruction of the houses and effects of certain persons who resided on and near the Niagara river, during the late war; which were read, and on motion, by Mr. **Van Buren**, ordered to lie on the table.

Mr. **Noble** presented the petition of Demas Deming, assignee of Hugh Glenn, praying the payment of a balance found to be due from the United States, by the verdict of a jury, to the said Glenn, as contractor for supplying rations to the troops and Indian department, in the State of Indiana, in the course of the late war; which was read, and referred to the Committee of Claims.

On motion, by Mr. **Ruggles**, the Committee of Claims were discharged from the consideration of the petition of Mary Davis and Thomas W. Davis, representatives of Solomon Davis, deceased.

The Senate proceeded to consider the motion of Mr. **Johnson**, of Louisiana, of the 3d instant, to instruct the Committee on the Post Office and Post Roads to inquire into the expediency of *opening* a post road in Louisiana; and, on motion, by Mr. **Mills**, it was ordered to lie on the table.

The bill, reported by the Committee on the District of Columbia, "in addition to the act incorporating the Washington and Alexandria Turnpike Corporation," was taken up in Committee of the Whole. This bill authorizes the corporation to establish additional tolls, &c. It was reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill to "alter the time for holding the District Courts in the District of Kentucky," was taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read a third time.

The Senate then proceeded to the further consideration of the bill "to provide gradual supplies of cannon, bombs, and howitz, for the fortifications of the United States." After some discussion, in which Messrs. LOWRIE, JACKSON, SMITH, and KING, of New York, took part, the bill was postponed till Monday next.

The bill "for the relief of the legal representatives of Alexander Mitchell, deceased," was taken up in Committee of the Whole. This bill provides for the reimbursement of a sum of money paid for a license on a still, under certain circumstances. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed thereto; and the further consideration thereof was postponed to Monday next.

The report of the Committee on Claims, unfavorable to the petition of Sarah Easton and Dorothy Storer, was again taken up; but after some further discussion, by Messrs. BELL, BARBOUR, LANMAN, SMITH, and HOLMES, of Maine, it was postponed till Monday next.

The Senate then took up for consideration, in Committee of the Whole, the bill authorizing the Register of the Land Office for the Western district of the State of Louisiana, to report upon certain land claims within the said district. The bill was reported to the Senate, and passed to be engrossed and read a third time.

The Senate resumed the consideration of the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, together with the amendments made thereto by the Senate as in Committee of the Whole; and the said amendments being concurred in, the bill was ordered to be engrossed and read a third time.

FRENCH SPOLIATIONS.

The resolution submitted yesterday by Mr. LLOYD, of Massachusetts, was again read. The resolution requests from the President of the United States copies of the instructions given to our Ministers to France, with the correspondence, and such other information in reference to spoliations committed on our commerce by the vessels of that nation previous to the year 1800 as it may be proper to communicate, in order to show how far the individual claims to indemnity for those spoliations was affected by the convention concluded with France in the year 1800.

Mr. BARBOUR stated that, as Chairman of the Committee on Foreign Relations, to whom the numerous petitions on this subject was referred, he had communicated with the Secretary of State in relation to it. He had been informed that the documents connected with these claims were so voluminous that they could not possibly be prepared during the present session. He did not make this remark in opposition to the resolution, but merely to show to the Senate the reason why the Committee would not be able to report on these claims.

Mr. LLOYD, of Massachusetts, made a few remarks in favor of the resolution. He was not sufficiently informed on the subject, although it involved claims of a large amount, for want of the information mentioned in the resolution. And, as those claims could not be acted upon with propriety until this information was obtained, he hoped the resolution would be agreed to, even though it might postpone a decision on the claims until the next session of Congress.

The resolution was then agreed to.

TRANSPORTATION OF SPECIE, &c., IN PUBLIC VESSELS.

The bill reported by the Committee on Naval Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States," was taken up for consideration in Committee of the Whole.

Mr. LLOYD, of Maryland, said, as he had offered the resolution which gave rise to this bill, he thought it his duty to state the views which induced him to propose it. He felt a great interest in the Navy, and wished to do all he could to sustain its honor. He believed the permission to carry specie had grown up, like many other of our practices, from the example of England. But it became now necessary to inquire how far the honor and welfare of the country and its Navy was compromitted by this practice. Considerable sums of money have been made in this traffic by some of our officers; our public vessels have been the depositories and the insurers of the property of foreign nations, and of belligerents. This permission to carry specie was calculated to destroy the fine and chivalrous feelings of the officer—to turn his mind from seeking "reputation at the cannon's mouth," to interested and sordid pursuits. Further than this, the practice was liable to involve us in difficulties with foreign nations. It was an infringement of our neutral character; it was authorizing a practice in regard to those nations which had not the power of resistance, which the more powerful would never submit to. These considerations, affecting the character of the country and the Navy, led him to believe that the transportation of specie in public vessels ought to be prohibited.

Mr. LLOYD, of Massachusetts, said, he believed that the transportation of specie in public vessels might be permitted, under certain regulations, without detriment to the service. Great Britain had allowed this practice in her navy, time out of mind, under restrictions. In our Navy there has been no regulation on the subject, and it ought not to be permitted to go on so. Our vessels were liable to engage in improper cruises, and to enter improper ports, for the purpose of carrying on this trade; and it might jeopardize the peace of the country. The transportation of specie by our public vessels certainly requires some regulation, although Mr. L. thought it was not proper to prohibit it entirely. The bill now before the Senate contains the necessary provisions: it provides what ports specie may be carried to and from, and what countries, under certain circumstances. The permission to bring specie in the national vessels to the United States is important to the country. It is said that we are in great want of specie; the embarrassments of the manufacturers, particularly, are said to be very great[*]—and how are we to get specie? It must come from foreign countries, and the public vessels furnish the safest mode of transportation. He believed that no dishonorable acts could be charged upon our naval officers in this respect.

Mr. Lloyd, of Maryland, rose to explain. He had not the least intention to charge any of our naval officers with improper conduct, but thought that the transportation of specie ought to be prohibited, to prevent consequences which might hereafter result from the practice.

Mr. Lloyd, of Massachusetts, said, he had not understood the gentleman from Maryland as intending to prefer any charges against the officers of the Navy. He believed there was no danger that their honorable character would be affected by continuing this practice. It had not produced that effect upon the officers of the British navy. Hitherto we have had no regard to the maximum of freight to be allowed for the transportation of specie. This bill has a provision on that point. In the present absence of all regulation, the commanders of the vessels have themselves received all the benefit accruing from the freight of the specie. Not so in the British service. A certain part of the freight in their vessels goes to the other officers, and a part to the Greenwich hospital. The present bill has a similar provision. A certain portion of the freight money is to go to the inferior officers and to the Navy Hospital fund. It appears to the committee proper that some regulation should also be adopted in relation to the transportation of passengers. Considerable inconvenience has occurred from carrying passengers. We have been in the habit of making drawing-rooms of the cabins of our public vessels. This is certainly not beneficial to the service. If our captains can carry their ladies and families in their vessels, the lieutenants may do the same; and this will be an increasing evil. The bill proposes checks upon the improprieties that may hereafter occur. Mr. L. thought that it would be better to take up the bill, section after section, in order that it might be fully considered, and opportunity be afforded for amendments, if gentlemen should think proper to propose any.

Mr. Smith said, that he was not yet sufficiently informed upon this subject, to go into the consideration of it, at the present time. He therefore moved its postponement until Wednesday next. This motion was agreed to.

Monday, March 8.

Mr. Elliott presented the memorial of John Wingfield, and others, in behalf of the citizens of Morgan county, in Georgia, remonstrating against the passage of the bill now before Congress, to increase the duties on imports, as unconstitutional, and highly prejudicial to the commercial and agricultural interests of the country; which was read and referred to the Committee on Commerce and Manufactures.

Mr. Dickerson, from the Library Committee, to whom was referred the petitions of Way & Gideon, and Edward De Krafft, reported on the subject, authorizing the purchase of ten copies of the Journals of the Old Congress.

Mr. Barton presented the memorial of the chairman and trustees of the corporation of St. Charles, in Missouri, praying that certain lots and out lots, appertaining to the town, and which the President was authorized to select for military purposes, may be applied to purposes of education; and that the commons of St. Charles may be, also, applied to the same object. Referred to the Committee on Military Affairs.

Mr. Johnson, of Kentucky, presented the petition of Benjamin Bridges, praying to be compensated for military services rendered during the late war; which was read, and referred to the Committee of Claims.

Mr. Johnson, of Kentucky, from the Committee on Military Affairs, to whom was referred the petition of James Jackson, and J. C. McLamore, sureties of the late Robert Searcy, made a report accompanied by a resolution, that the petitioners have leave to withdraw their petition and papers.

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[*] *To the Editors of the National Intelligencer.*

Gentlemen: In the report in your paper of this morning, of some remarks I had made in the Senate, in reference to the bill for the transportation of specie in the public vessels of the United States, it is stated, that I observed "the embarrassments of the manufacturers particularly, are said to be very great." This is erroneous, and, at the present moment, might give an impression of my sentiments, and perhaps an influence to them, which, at any other time, they would not command. My observation was, that the importation of specie was important to the country, and ought to be encouraged; that, shortly after the late war, the importation of it from Europe was one means of more speedily restoring the circulations of the United States, or part of them, to a sound basis; that, if we believed the statements, letters, and pamphlets, of the manufacturers, with which our tables are covered, much of the bankruptcy and distress they so conspicuously descant upon, arose from the want of it; and that for these and other reasons the public vessels, under suitable regulations, ought not to be restrained from taking it.

In the part of the country with which I am best acquainted, my impression is not, "that the embarrassments of the manufacturers are particularly great;" on the contrary, my belief is, that, in New England at least, they at present, collectively considered, form the most thriving and prosperous part of the community; and, if any evidence of the correctness of this opinion were wanted, it might be derived from the high rate of advance on the cost, which stock, in well established and well conducted manufacturing companies, has long commanded, and still continues to command, a common-sense standard, not liable to much of fallacy among an active, sagacious, and commercial population.

The situation of the respectable reporters in the Senate, while it not only fully accounts for occasional misapprehensions, entitles them to great credit, for the intelligent general view which they give of the debates that occur in it. But, for the reason before mentioned, your insertion of the present explanation in the next paper will oblige Your obedient servant,

J. LLOYD.

March 6.

[The remark of Mr. Lloyd, in regard to the disadvantageous position of the reporters, is, we regret to say, particularly applicable to their position in relation to himself, to Mr. Jackson, Mr. King of New York, and some other gentlemen on the right of the Chair, whose remarks are consequently not heard at all, or very indistinctly heard by the reporters.]

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the petition of the Vestry of Christ church, in the city of Washington, reported a bill for enclosing the burial ground of Christ church parish; which was read, and passed to a second reading.

The bill to change the terms of the district court of the United States for the Kentucky district, was read the third time, and passed.

The bill for the relief of the legal representatives of Andrew Mitchell, deceased, was read the third time, and passed.

The bill to amend an act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," was read the third time, and passed.

The bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district, was read the third time, and passed.

The bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situated to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, was read the third time, and passed.

On motion of Mr. KING, of New York, the Senate, as in Committee of the Whole, proceeded to consider the bill "to authorize the employment of certain assistants in the General Land Office." This bill authorizes the employment of draughtsmen to prepare maps which have been ordered by the Senate. The bill was reported to the Senate without amendment; and passed to be engrossed and read a third time.

PUBLIC LANDS IN INDIANA.

Mr. BARTON, from the Committee on Public Lands, to whom was referred a memorial of the General Assembly of Indiana, praying permission to revoke the ordinance exempting from taxation for five years those public lands which have been sold, reported a bill granting the prayer of the petitioners in part. The bill was read, and passed to a second reading. The report is as follows:

The Committee on Public Lands have had under their consideration, a joint resolution of the General Assembly of the State of Indiana, asking the consent of Congress to the revocation of that part of the compact between the United States and the State of Indiana, by which all public lands sold in that State, after the 1st day of December, 1816, were exempted from taxation by the State, for the term of five years after the sale thereof, and submit the following report—

By the general regulations for the sale of the United States lands, passed on 10th May, 1800, the United States reserved a reversionary interest for the term of five years, in all lands by them sold. At the expiration of that term, if the lands sold were not fully paid for, they might, in the manner described in those regulations, revert absolutely to the United States; although, during that term, the purchaser had an estate in the lands purchased, (subject to the revision,) which might have been taxed by the State in which they lie, if no compact to the contrary had been made.

To guard this reversionary interest from the embarrassments that might have been created by the States exercising the right of taxation, and to prevent the debtors of the United States from being rendered less able to pay for their lands, the United States required, as one of the conditions to the propositions made to the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Louisiana, and Alabama, in their respective acts authorizing them to form their constitutions, that they should provide by ordinances irrevocable, without the consent of Congress, that all lands sold by the United States, within the limits of those several States, after the times limited in said acts respectively, should be exempt from any taxation under the authority of those particular States, during the said term of five years.

With this condition each of the enumerated States complied.

Afterwards, by an act passed on the 24th of April, 1820, Congress, among other things, abolished the system of credit in the sales of public lands made after the first of July of that year.

Upon this event, the committee is of opinion that every reason which induced that condition ceased; that the lands sold by the United States after the 1st of July, 1820, being absolutely private property, became taxable of right by the States in which they lie; and that a proper case had then occurred, in which to give the consent of Congress to the revocation of so much of those compacts as provide for the exemption in question, as seems, indeed, to have been anticipated and provided for, by the several acts authorizing the formation of those States, and the ordinances passed by their conventions.

That the enhancement of the value of public lands was not the object of Congress, in requiring those exemptions from taxation, is manifest from the fact, that no such exemption has ever been attached to the sale of lands in the several Territories of the United States, neither before nor since the adoption of the enumerated States into the Union. Yet, as the compacts in that respect were not revoked in point of fact, but remained in force to the present time; and, as the exemption from taxation many have entered into the inducement to the purchase of lands heretofore sold under it, the committee deem it inexpedient to propose any change in those compacts that may affect lands heretofore sold by the United States.

But, believing that every reason for such exemptions has ceased with regard to the United States, and that great inequality and injustice are produced in those individual States, by the unequal burdens imposed on that class of their citizens who purchased before the formation of their respective constitutions, and that class who purchased since; and, also, by a great diminution of the revenues of those States after it has ceased to be necessary, or even useful to the United States, the committee submit a bill declaring the consent of Congress, to the revocation of so much of the said ordinances as establishes the exemptions complained of by the State of Indiana on her part, so far as they may affect lands hereafter to be sold by the United States.

The report and bill were read, and passed to a second reading; and the report was ordered to be printed.

PURCHASERS OF PUBLIC LANDS.

Mr. **NOBLE** presented the memorial of the General Assembly of Indiana, suggesting the expediency of authorizing, by law, all those persons who suffered a forfeiture of lands on which payments had been made, and the forfeiture incurred prior to the act for the relief of purchasers of public lands, passed in 1821, to apply the amount paid to the purchase of other lands; and, of reducing the price of certain public lands within that State, of an inferior quality. The memorial was read and referred to the Committee on Public Lands.

Mr. **NOBLE** said, in presenting the above memorial, that he was proud to have it in his power to say, that in the memorial, the Legislature had manifested their attachment to the Federal Government, and for the interest and prosperity of it. He said, the Legislature had gone further—that they had, on the part of their constituents, and for themselves, acknowledged the benevolent policy heretofore exercised by Congress towards the purchasers of public lands, by which many of them have been redeemed from ruin, and saved from forfeiture; and without the aid of such policy, their lands must have reverted to the United States.

The Legislature, said Mr. N., presents two subjects for the consideration of Congress, both of which he deemed to be well worthy of consideration. The first was, that of permitting, by law, those individuals who, prior to the act of Congress for the relief of purchasers of public lands, passed in 1821, suffered a forfeiture of lands on which one or more payments had been made, to apply the amount of their forfeitures in the purchase of other lands, confining them to the districts wherein the forfeitures accrued. There can be no objection to this, because the lands have reverted to the United States, and the amount of money paid by the purchaser, which was the forfeiture, is in your Treasury. You are not asked for money, but merely for land, since you have been in the habit of selling in tracts of eighty acres, and the application of the forfeitures to be confined to the same land districts.

The second subject is, the expediency of reducing the price of public lands in those districts where they had been offered for sale, for ten or more years, and have not yet found purchasers. The history of the sales of the public lands in this country, proves, that, to reduce the price of your lands in the old settled parts of the country, is a true policy. We all know, that your good lands are first selected, and the most indifferent tracts are rejected; and, as the districts become closely settled, these refused, indifferent, and broken tracts of land, serve only for those persons adjacent, to trespass upon, cut, and carry away your timber, thereby, in time, rendering the land of little or no value to the Government. The Legislature of Indiana, from the pride of attachment to the General Government, and for their interest, as well as the interest of the State, apprize you of the facts, and disclaim any other motive.

SARAH EASTON AND DOROTHY STORER.

The report of the Committee on Claims, unfavorable to the petition of Sarah Easton and Dorothy Storer, was again taken up for consideration. The grounds of this claim were stated particularly when it was before under discussion. The petitioners are daughters of Colonel Robert H. Harrison, Aid-de-camp to General **WASHINGTON**; and they claim the commutation for half-pay and bounty land, which they state to have been due to their late father. The question before the Senate was, upon the motion of Mr. **LLOYD** of Maryland, to reverse the report. This motion was advocated, and the claim supported by Messrs. **HAYNE**, **LANMAN**, and **SMITH**, and opposed by Messrs. **BELL**, **CHANDLER**, and **TAYLOR** of Virginia. The question on reversing the report was put, and decided in the negative—14 in favor of, and 25 against it, as follows:

YEAS—Messrs. Barbour, Eaton, Hayne, Jackson, Johnson of Kentucky, Johnson of Louisiana, Lanman, Lloyd of Maryland, Mills, Smith, Talbot, Thomas, Van Buren, and Van Dyke.

NAYS—Messrs. Barton, Bell, Branch, Brown, Chandler, Clayton, D'Wolf, Dickerson, Edwards of Connecticut, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Kelly, King of Alabama, Knight, Lloyd of Massachusetts, Lowrie, Macon, Noble, Palmer, Taylor of Indiana, Taylor of Virginia, and Williams.

Whereupon, it was resolved, that the prayer of the petitioners ought not to be granted.

AMENDMENT TO THE CONSTITUTION.

Mr. **HAYNE** moved that the several resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President, should be taken up. In calling up these resolutions, he said, that they had been lying so many weeks upon the table, that he felt himself bound to call the attention of the Senate to them, at this time, in order that some decision should take place in relation to them. It will be recollected, said Mr. H., that several propositions to amend the Constitution, one of them by himself, had been submitted, very soon after the commencement of the session, and though one of those propositions submitted by the honorable gentleman from Missouri, (Mr. **BENTON**,) had been discussed, no decision had taken place on any of them. The indisposition of the gentleman, and the usual courtesy of the Senate, had influenced that postponement. It was no longer desired, however, on that ground, and therefore it had become necessary for the Senate now to decide whether they intended to act on the subject during the present session. Mr. H. had understood, from several of the members, that they deemed the present period unfavorable to the adoption of any amendment to the Constitution, and too much excitement was supposed to exist in relation to the subject-matter of the amendment—the Presidential Election. He had been informed that a majority of this House deemed it inexpedient to act on the subject during the present session. Mr. H. was not disposed to press for a decision on the amendments, if such was the fact. But, as public attention had been excited, and the people certainly were waiting with some anxiety for our decision, Mr. H. hoped that the Senate would now say whether these propositions shall be discussed and acted on during the present session, or whether they should be indefinitely postponed. For the purpose of bringing this to the test, he would move that these resolutions be made the order of the day for Monday next, and he hoped that no gentleman would vote for that proposition, who was not disposed to act decisively on the subject before the adjournment of Congress.

The motion to take up the resolutions prevailed. Mr. KING of New York, then moved for the indefinite postponement of the whole subject. This motion gave rise to considerable discussion, in which Messrs. KING of New York, HAYNE, VAN BUREN, LOWRIE, LLOYD of Maryland, MILLS, HOLMES of Maine, BELL, and DICKERSON, participated. It was contended, on the one hand, that it could not be expected by the members of the Senate, that any one of the different propositions could be adopted at the present session—that there was much other business, more immediately important, to be acted upon; as the amendment, if adopted at all, could not be adopted in season to operate upon the next election—and that a time when the public mind was not so much agitated on the subject of an election, as at present, would be more favorable to the discussion; as there might be some parts of the country which were yet waiting, in vain expectation that some amendment would be adopted at the present session, which would effect the particular course which they might see fit to pursue in regard to the next election.

In the course of this debate, Mr. VAN BUREN said, he hoped the motion made by his colleague, for indefinite postponement, would not prevail. There was not, in his judgment, any reason why the Senate could not act upon the subject as well now as at any other time. If the state of feeling on the part of the members of the Senate could possibly be supposed to create an objection to acting upon the matter at this session, it was to be regretted that that consideration had not had an earlier influence. We had commenced this business under circumstances peculiarly auspicious; the various propositions submitted had been referred to a committee of high respectability, who had, with great unanimity, reported a proposition. He thought there was adequate time to act upon the one reported. He differed from his colleague in his impression that there was any portion of the Union which expected that the Constitution would be amended in season for the next election. That was rendered impossible by the necessary process through which the amendments proposed must pass, and such, he was satisfied, was the understanding of it; and there was, therefore, no reason arising from that consideration which would render it proper to stop now, after so much progress had already been made in the subject.

Without taking the question on the motion to postpone, the Senate adjourned.

TUESDAY, March 9.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

On the 3d March, 1819, James Miller was first commissioned as Governor of the Territory of Arkansas, for the term of three years from that date.

Before the expiration of that time, and in the Winter of 1821-2, a nomination of him for re-appointment was intended, and believed by me to have been made to the Senate, and to have received the confirmation of that body.

By some accident, the cause of which is unknown, it appears that this impression was erroneous, and, in December, 1822, it was discovered that Mr. Miller had not then been recommissioned, though, in the confidence that he had been, he had continued to act in that capacity. He was then renominated to the Senate, with the additional proposal that his commission should take effect from 3d March, 1822, when his first commission had expired.

The nomination was confirmed by the Senate so far as regarded the appointment, but without concurrence in the retrospective effect proposed to be given to the commission.

His second commission, therefore, bears date on 3d January, 1823, and the interposition of the Legislature becomes necessary to legalize his official acts in the interval between 3d March, 1822, and that time a subject which I recommend to the consideration of Congress.

JAMES MONROE.

WASHINGTON, *March* 8, 1822.

The Message was read, and referred to the Committee on the Judiciary.

The bill to authorize the employing of certain assistants in the General Land Office, having been reported by the committee correctly engrossed, was read the third time, and passed.

On motion by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Samuel Peters.

Mr. JOHNSON, of Louisiana, presented the petition of Thomas Hewes, of Louisiana, praying the restitution of a sum of money exacted from him by the marshal of Louisiana, under an execution issued against him from the district court of Vermont, in favor of the United States; alleging that the judgment was unjustly rendered against him. The petition was read, and referred to the Committee on the Judiciary.

On motion by Mr. EATON, the Senate resumed the consideration of the report of the Committee of Claims on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings: whereupon, Mr. E. communicated additional evidence in support of the claim of the petitioners; and, on his motion, the said petition, with the additional evidence, was recommitted to the Committee of Claims.

A communication was received from the Hon

Ninian Edwards, a Senator from the State of Illinois, (recently appointed Minister to Mexico,) resigning his seat in the Senate; and, on motion of Mr. THOMAS, the President of the Senate was requested to inform the Executive of the State of Illinois of this resignation.

Ordered, That a member be appointed on the select committee on roads and canals, in the place of Mr. Edwards; and Mr. VAN DYKE was appointed.

The bill declaring the consent of Congress to the revocation of certain parts of the ordinances therein mentioned, and the bill for enclosing the burial ground of Christ Church Parish, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Military Affairs, on the petition of James Jackson and J. C. McLamore; and, in concurrence therewith, resolved that the petitioners have leave to withdraw their petition and papers.

The Senate proceeded to consider the report of the joint Library Committee on the memorial of Way & Gideon, and of Edward De Krafft; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill more effectually to provide for the national defence by establishing an uniform militia system throughout the United States, and providing for the discipline thereof; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed thereto; and it was postponed to Friday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and it was postponed to the 23d instant.

The Senate resumed the consideration of the unfinished business of yesterday, being the several resolutions proposing amendments to the Constitution in relation to the election of President and Vice President. The question was upon the motion of Mr. KING, of New York, to postpone the resolutions indefinitely.

Mr. HAYNE stated that he had this morning received information that the health of the honorable gentleman from Missouri, (Mr. BENTON,) who had submitted one of these resolutions, was so far restored, that he expected, in a day or two, to resume his seat; and he had, therefore, requested that the subject should be still further postponed for a few days. Mr. H. yielded cheerfully to that request; and, therefore, moved that the resolutions should, for the present, lie on the table, which was ordered accordingly.

SUPPLY OF CANNON, &c.

The bill making appropriations for the purchase of cannon, bombs, and howitz, for the fortifications of the United States, was again taken up. This bill provides an appropriation of $125,000, annually, for four years, for the purpose specified.

Mr. SMITH replied to the objections advanced by Mr. KING, of New York, against the bill, when it was before under consideration. He proceeded to show the necessity of fortifications, and their adequate armament, as an auxiliary to the Navy, in the defence of the country; and explained the course which had, hitherto, been taken by the Government, in relation to the fortifications. He explained the advantages of a specific appropriation for this object, over a dependence upon its insertion in the general annual appropriation bill; as the sum to be expended would be certain for several years, and, by making the contracts for a term of years, economy would be promoted.

Mr. HOLMES, of Maine, said he had come to the determination not to vote for any appropriation until he thoroughly understood its object. He did not yet possess the necessary information upon this subject; which he had expected to receive from the honorable gentleman who introduced this bill, or from the chairman of the Committee on Military Affairs, as to the state of the fortifications, and the necessity of this appropriation. Mr. H. then recapitulated the several appropriations which had been made for the fortifications, and the estimates for the same. From these statements, he inferred that the forts were not in a situation to receive the cannon, not being yet finished. He thought they would not be in readiness to receive their armament, for three or four years to come. He wished for more detailed information, as to the size of the forts, the number and kind of cannon required, the expense, &c.

Mr. JACKSON said, he had believed, that the heads of Departments were the proper persons to furnish the information relating to the business of their Departments. The information in regard to this subject had been fully furnished from the War Department, on the application of the honorable member who introduced the bill, and had been laid before the Senate. Mr. J. said he was surprised to be called upon, as chairman of the Military Committee, when such information was before the Senate, and open to every gentleman who wished to inform himself. He read the communication of the Secretary of War, in relation to the provision of cannon, &c., for the fortifications. The information contained in this communication, Mr. J. said, had entirely convinced the committee of the necessity of this measure; and they had thought that the appropriation proposed, for four years, would answer the purpose of making the purchases, at such times, and in such quantities, as the service of the country, and the state of the forts, would require. He said, he was astonished to hear from gentlemen, in this debate, that the country was to depend entirely upon its Navy for defence. The Navy was certainly a powerful arm of defence; but he considered the fortifications, also, as extremely important, as furnishing another means of defence. He well recollected with what difficulty a sufficient force had been armed to defend the country against the tomahawk and the scalping knife of a savage enemy. It was necessary to pay attention to the fortification of the frontiers of the country, as well as to the Navy, to stop the inlets, by which an enemy may penetrate into the country, and to garrison the strong points. With this protection, Mr. J. said, the militia would be able to defend their country, and he should be willing, in such a situation, to underwrite upon its safety. The information which had been received from the honorable gentleman who had introduced this bill, (Mr. SMITH,) and from the Secretary of War, may be relied upon. Unless the country was to be blessed with eternal peace, these means of defence would be found necessary. He knew how much some of the most gallant troops the country could furnish, had suffered, for want of the articles proposed to be provided by this bill; and hoped that every gentleman who retraced the circumstances of the late war, would see the necessity of providing them, and that they would vote for this and other bills, until the important inlets of the country were fortified. At these prominent points only, were fortifications necessary; but, for the want of these means of protection, much blood and treasure may be expended.

Mr. CHANDLER said he believed it only necessary for members to understand this subject, to induce them to vote for some appropriation. He stated the quantity of cannon which were now on hand, according to statements from the War Department. He thought an annual appropriation would be better than an appropriation for four years. He therefore moved to strike out "four years," and insert "one year."

Mr. DICKERSON approved the motion to change the appropriation from four years to one. He was willing to vote any sum of money that might be necessary; but thought it would be better to appropriate it as it might be wanted. The contracts for casting cannon, he thought might be made on equally as good terms, if made in each different year; and that the articles required for the forts might always be obtained, at a fair price, without binding the Government by a long contract. He was willing to vote the appropriation for a single year.

Mr. KING, of New York, was inclined to the annual appropriation, as furnishing more frequent opportunities of revising this subject; he thought it one of great importance. It might be expedient to fortify the country at certain exposed points, but he did not believe that the general feeling of the nation was in favor of a general fortification of the frontiers and the seaboard. The whole number of fortifications, proposed to be built, would cost twenty millions of dollars. He did not believe that the country ought to go so far. Another consideration was involved in this question—the support of a large standing military force; this was certainly contrary to the genius of our institutions. The Navy furnished a great arm of defence; but we have a still better reliance, in the stout hearts and strong arms of our countrymen; arm them with guns and bayonets, and they are a better defence than cannon and fortifications; this is the source to which we must look for the defence of our liberties. It is to the military that we must look for protection. The battle of Bunker's Hill furnished a proof that the hearts and arms of the yeomanry were a better reliance than cannon or forts. France had taken the notion to fortify her country; the enemy passed by her fortifications, and conquered her in the very interior of the country. She had no such militia, as the honorable gentleman from Tennessee had called to his assistance. The character and the principles of the people are what we must rely upon. If the people are not armed, give them muskets and bayonets. Mr. K. said, he would trust to Providence that, with these means, they would prove themselves not unworthy of their fathers. He believed that, with these means, the country would be abe to protect itself from enemies abroad, and insurrections at home. He had no doubt that we should become a great and formidable naval Power; and to that quarter we might look for a highly important means of defence.

Mr. SMITH expressed his entire coincidence in opinion with the gentleman from New York; he did not concur in attempts to carry our plan of fortification to the extent which some persons might contemplate; but he only wished for an appropriate armament for the forts which were already built, and which were about to be completed. He went on to show the state of the fortifications which were proposed to be armed. Mr. S. said, the suffering of the country, during the Revolutionary war, would have been greatly lessened by the possession of those important means of carrying on war. Had New Orleans been properly fortified, an attack on that place, as he believed, would not have been made. If this bill were to be changed to an appropriation for a single year, its object would be lost; as a single line, in the general appropriation bill, would answer the same purpose. He considered the bill as one of economy, that twenty-five per cent. at least, would be saved by making the contracts for a term of four years.

Mr. HOLMES, of Maine, was satisfied, by the information he had obtained, that the cannon were about to be purchased before the forts were finished—and that large additional sums must be expended for the completion of the forts, before the cannon would be needed. He thought the Senate ought first to know what it was to cost to finish the forts; and that the bill ought to be postponed until the Military Appropriation bill was before the Senate. He, therefore, moved its postponement for a week.

Mr. CHANDLER made some further statements as to the cost of the cannon, and the quantity now on hand.

Mr. JOHNSON, of Louisiana, opposed the postponement. The subject had been before the Senate for a long time, and all the information was obtained that could be furnished—he thought that information full and satisfactory; and, if postponed, there might not be time to act upon the bill, in the other House. The question of the expediency of building fortifications had long since been settled—the sites for fortifications had been surveyed, and the building of many of them had been commenced, and nearly completed. Mr. J. stated the situation of several of the forts.

Mr. Smith made some further remarks in opposition to postponement.

Mr. Barbour called the attention of the Senate to the fact, that, when a proposition was made to insert a new item in an appropriation bill, from the other House, it always was objected to. He thought that the question now was, whether the object was one which ought to be carried into effect, without reference to any bill which might come from the other House. He was in favor of the appropriation, as being calculated to place our fortifications in a respectable situation. Mr. B. said, he knew something, from experience, on this subject—as the waters of his State, which were a great blessing to them in time of peace, had proved the source of bloodshed and destruction, in time of war.

He called for the yeas and nays on the question of postponement.

The question was then taken and decided against postponement—18 to 23.

The question was then taken on Mr. Chandler's motion, to strike out four years, and insert one year. This was decided in the negative—19 to 22.

The question was then taken, upon passing the bill to be engrossed and read a third time; and decided in the affirmative—31 to 10, as follows:

Yeas—Messrs. Barbour, Barton, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Mills, Parrott, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Dyke, Ware, and Williams.

Nays—Messrs. Bell, Elliott, King of New York, Lanman, Lowrie, Macon, Palmer, Ruggles, Seymour, and Thomas.

So the bill passed to be engrossed and read a third time.

Wednesday, March 10.

Mr. Ruggles presented the petition of Jonas Alford, praying that the benefit of the fourth section of the act for the relief of the purchasers of public lands, prior to the first day of July, 1820, may be extended to him; which was read, and referred to the Committee on Public Lands.

Mr. Smith presented the memorial of Charles Gwynn, of the city of Baltimore, praying that a sum of money, erroneously paid by him into the Treasury, may be restored; which was read, and referred to the Committee on Finance.

Mr. King, of Alabama, presented the memorial of William D. Stone, praying to be permitted to locate a tract of one thousand acres of land, on the Mobile river, as an indemnity for a like quantity claimed by him under a British grant, which he states has been lost. The memorial was read, and referred to the Committee on Public Lands.

The bill "for the gradual supply of cannon, bombs, and howitz, for the fortifications," was read the third time. Mr. Lowrie moved to amend the bill so as to extend the provisions of the bill to the purchase of "field artillery, their carriages, and caissons;" which was agreed to. The bill was then passed, and sent to the other House.

The Senate proceeded to consider, as in Committee of the Whole, the bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States; and, on motion, it was laid on the table.

The bill from the other House, to "define the boundaries of the Edwardsville and Sangamo Military Land District, in the State of Illinois," was taken up in Committee of the Whole. Mr. Barton explained the object of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

Mr. Brown presented the memorial of the Legislature of Ohio, asking the assent of Congress to the sale of the school lands within that State. Referred to the Committee on Public Lands.

The bill reported by the Committee on Pensions, "for the relief of Dean Weymouth," was taken up in Committee of the Whole. The bill proposes to allow an additional pension to this petitioner, who was badly wounded and disabled at the battle of Chippewa.

Mr. Noble opposed the bill, and Messrs. Lanman, Holmes, of Maine, and Johnson, of Kentucky, supported it.

On motion of Mr. Noble, the bill was postponed to, and made the order of the day for, tomorrow.

The bill reported by the Committee on Military Affairs, "for the relief of Alfred Moore and Sterling Orgain," was taken up in Committee of the Whole. This bill proposes to pay the petitioners for certain blacksmith's work done for the Tennessee volunteers engaged in the Seminole war.

Messrs. Johnson, of Kentucky, Kelly, Chandler, and Jackson, spoke upon the subject. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Sarah Venable and Jane Morgan; and, no amendments having been proposed, it was reported to the House and ordered to be engrossed, and read a third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands; and it was postponed till to-morrow.

TRANSPORTATION OF SPECIE, &c., IN PUBLIC VESSELS.

The bill reported by the Committee on Nava Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United

States," was again taken up for consideration, as in Committee of the Whole.

Mr. LLOYD, of Massachusetts, made a few remarks in support of the bill.

Mr. LLOYD, of Maryland, proposed to amend the bill, so as to prohibit the public vessels of the United States from giving convoy to vessels of belligerent nations, having specie, &c., on board.

Messrs. PARROTT, LOWRIE, LLOYD, of Maryland, SMITH, and LLOYD, of Massachusetts, spoke upon the propriety of this amendment, and it was then adopted.

Mr. KING, of New York, suggested a verbal amendment, which was agreed to.

Mr. PARROTT proposed an amendment, in regard to the distribution of the commission received for the transportation of specie &c. The bill provides that one-third part of the freight money so received, shall go to the commanding officer of the vessel; one third to the commissioned officers, and the remaining third to the Navy Hospital Fund. Mr. P.'s motion was, that the commanding officer should have one-half; that one-quarter should go to the Navy Hospital Fund, and the other quarter to the Navy Pension Fund.

Some debate arose upon this motion, in which Messrs. LLOYD, of Maryland, LLOYD, of Massachusetts, CHANDLER, PARROTT, and HAYNE, took part. The Senate refused to adopt this amendment. An explanation of the object and uses of the Hospital Fund was made between Messrs. LLOYD, of Massachusetts, and SMITH.

The bill was then reported to the Senate, as amended, and passed to be engrossed and read the third time.

AMASA STETSON.

The bill "for the relief of Amasa Stetson," was then taken up in Committee of the Whole. The details of this claim were stated in the report of its discussion, some weeks since. The petitioner was a deputy commissary at Boston, during the late war; and he claims remuneration for losses sustained by the payment of interest on moneys advanced for the Government, and by the depreciation of the Treasury notes, and also prays compensation for extra services performed. The Committee on Claims in the Senate, reported a bill for his relief, which, after considerable discussion, was, some time since, recommitted for the purpose of allowing an additional sum to Mr. Stetson. The committee, subsequently, reported the bill, with a new section, making the additional allowances, as instructed. This bill proposes to grant Mr. Stetson, in the whole, about $8,000. Messrs. MILLS, RUGGLES, LANMAN, LOWRIE, TAYLOR of Virginia, EDWARDS and LLOYD of Massachusetts, spoke upon the claim. The question was then taken on the new section proposed by the committee, which is as follows:

"*Be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the said Amasa Stetson five hundred and fourteen dollars and eighty-five cents, being for interest on two warrants issued in his favor in 1814 and 1815, until paid; also, one thousand three hundred and eleven dollars and thirty-three cents, being for interest on two thousand and eighty-one dollars forty-nine cents, paid by the said Amasa Stetson as interest on moneys loaned him for the use of the Government, during the late war; and also, six hundred and thirty-nine dollars and seventy-two cents, being the discount on Treasury notes paid him in the year 1815.

It was determined in the negative—yeas 15 nays 16, as follows:

YEAS—Messrs. Barton, D'Wolf, Dickerson, Elliot, Hayne, Holmes of Maine, Johnson of Kentucky, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Parrott, Seymour, and Thomas.

NAYS—Messrs. Bell, Branch, Chandler, Clayton, Eaton, Edwards of Connecticut, Gaillard, Kelly, King of Alabama, Macon, Noble, Palmer, Ruggles, Taylor of Virginia, Van Dyke, and Williams.

Without reporting the bill the Senate adjourned.

THURSDAY, March 11.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of a naval depot at Pensacola, or at such place in the vicinity of it, as may, in their opinion, be most advantageous to the United States.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for the commencement of the next session of Congress at an earlier period than the first Monday in December next.

Mr. ELLIOT presented the preamble and resolutions adopted at a convention of the citizens of Oglethorpe county, in Georgia, remonstrating against the passage of the bill now before Congress to increase the duties on imports, as unconstitutional and destructive of the agricultural and commercial interests of the country; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. BROWN from the select committee on roads and canals, to whom was referred the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals," reported it without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred two resolutions upon the expediency of amending the judiciary system of the United States, reported two bills on the subject; one of which provides, that no law of any of the States shall be rendered invalid, without the concurrence of at least five Judges of the Supreme Court; their opinions to be separately expressed. The other bill provides, that there shall be two terms of the Supreme Court held annually in the City of Washington; that the United States shall be divided into ten circuit districts; the Judges of the Supreme Court to be relieved from the duty of attending the circuit courts; those courts to be held by the present district judges. These bills were severally read, and passed to a second reading.

The bill from the House of Representatives, entitled "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," was read the second time, and passed.

The bill regulating the transportation of gold and silver bullion, specie and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States, was read the third time, and passed.

The bill for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey, was read the third time, and passed.

The bill for the relief of Sarah Venable and Jane Morgan was read the third time, and passed.

The bill reported by the Committee on Public Lands, "to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," was then taken up for consideration, in Committee of the Whole. Mr. **KING**, of Alabama, explained the views which induced the committee to report this bill; Messrs. **RUGGLES** and **KING**, of New York, made some observations in relation to it; and, on the motion of the latter gentleman, it was ordered to lie on the table.

DEAN WEYMOUTH.

The Senate then resumed the consideration of the bill reported by the Committee on Pensions, "for the relief of Dean Weymouth." In storming a battery at Bridgewater, this petitioner, then under the command of Colonel Miller, of the 21st regiment of infantry, received several severe wounds, which disabled him from procuring his subsistence by manual labor; and one of which, being through his right knee, required that his leg should be amputated. He is poor, and has a wife and child. He now receives a pension of eight dollars a month from the United States, and prays that it may be increased to fifteen dollars per month. The bill proposes thus to increase his pension.

Mr. **NOBLE**, although he acknowledged the merit of this petitioner, opposed the bill, on the ground that he had received as much from the Government as any other person similarly situated. Messrs. **BRANCH** and **LOWRIE** were also opposed to the bill; and it was warmly supported, on account of the meritorious services, the good character, and the complete disability of Mr. Weymouth, by Messrs. **HOLMES**, of Maine, **LANMAN**, and **VAN DYKE**.

Mr. **LOWRIE**, in opposing the bill, said he considered it very important, not as respecting the individual proposed to be relieved, but as unsettling the general system of granting pensions. This individual already received a pension of $8 a month, being the maximum allowed, by the law, to persons in his situation; and, if it were thought proper to increase the pensions to such persons, he believed it would be better to alter the general law for that purpose, than to act upon individual cases. There were many persons in the country, some of whom he could name, as badly wounded as this individual, but who had been prevented, by their distance from the Seat of Government, from making application for an increase of pension. All these persons could come forward and make application to Congress, if the prayer of this petitioner was granted. It was for these reasons that he would be compelled, however his feelings might operate in favor of the individual, to vote against the bill.

Mr. **CHANDLER** said, that, in order to prevent all future misunderstanding, in case the bill should pass, of the reasons for granting this pension, he wished to amend the bill, by inserting in it the words, "in consideration of his numerous and severe wounds received at the battle of Bridgewater." This amendment was agreed to. The bill was then reported to the Senate, and passed, to be engrossed, and read the third time—yeas 21, nays 16, as follows:

YEAS—Messrs. Barton, Chandler, Clayton, D'Wolf, Eaton, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Lanman, Mills, Palmer, Parrott, Seymour, Smith, Talbot, Taylor of Indiana, Van Buren, and Van Dyke.

NAYS—Messrs. Bell, Branch, Edwards, Gaillard, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lowrie, Macon, Noble, Ruggles, Taylor of Virginia, Ware, and Williams.

AMASA STETSON.

The unfinished business of yesterday being the bill "for the relief of Amasa Stetson," was again taken up in Committee of the Whole, and reported to the Senate.

Mr. **MILLS** moved to amend the bill, by inserting the additional section which was reported by the Committee on Claims, and rejected yesterday in Committee of the Whole, so far as that section provides for the payment of interest to Mr. Stetson. This amendment was adopted—19 to 13; and the bill, as thus amended, was passed to be engrossed, and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill explanatory of an act confirming claims to lots in the town of Mobile; and, on motion, the Senate adjourned.

FRIDAY, March 12.

JOSIAH S. JOHNSTON, appointed a Senator by the Legislature of the State of Louisiana, to supply the vacancy occasioned by the resignation of James Brown, (appointed Minister to France,) produced his credentials, was qualified, and he took his seat in the Senate.

On motion by Mr. **LOWRIE**, three hundred additional copies of the report of the Secretary of State, of the 27th of January last, on domestic manufactures, were ordered to be printed for the use of the Senate.

Mr. **BELL**, from the Committee of Claims, to whom was referred the petition of Reuben Colburn, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

On motion by Mr. **BELL**, the Committee of

Claims were discharged from the consideration of the petition of James Thomas, and it was referred to the Committee on the Judiciary.

Mr. **MILLS** presented additional evidence in support of the claim of Martin Lincoln and Ann F. Humphreys; which was read, and referred to the Committee of Claims.

On motion by Mr. **BARTON**, the Committee on Public Lands were discharged from the consideration of the petition of Jonas Alford.

Mr. **PARROTT** presented the petition of Henry S. Langdon, late a navy agent at Portsmouth, in New Hampshire, praying remuneration for losses sustained by him on Treasury notes; which was read, and referred to the Committee of Claims.

Mr. **LLOYD**, of Maryland, presented the memorial of Benjamin Ferguson, and others, citizens of Maryland, praying the erection of additional lighthouses on the Chesapeake bay; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. H. **JOHNSON**, of Louisiana, gave notice that he would, on Monday next, ask leave to bring in a bill to provide for the appointment of a Surveyor General for the lands of the United States for the State of Louisiana, and one Surveyor General for the State of Mississippi.

On motion by Mr. **TALBOT**, the Message from the President of the United States, on the 23d December last, on the subject of the longitude of the Capitol, was ordered to be printed for the use of the Senate.

The engrossed bill for the relief of Amasa Stetson was read the third time, and passed.

The bill for the relief of Dean Weymouth was read the third time, and passed.

The bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and the bill further to amend the judicial system of the United States; were severally read the second time.

On motion by Mr. **VAN BUREN**, the last mentioned bill was recommitted to the Committee on the Judiciary.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Naval Affairs to inquire into the expediency of establishing a naval depot at or near Pensacola, and agreed thereto.

The resolution submitted yesterday by Mr. **HOLMES**, of Maine, instructing an inquiry into the expediency of providing, by law, for an earlier day than the first Monday in December next, for the commencement of the next session of Congress, was again read.

On the suggestion of Mr. **JOHNSON**, of Kentucky, the resolution was so modified as to direct the committee to inquire at what time the present session of Congress may be closed. As thus amended, the resolution was ordered to lie on the table.

The bill "explanatory of an act, entitled "An act confirming certain claims to lots in the town of Mobile," was taken up in Committee of the Whole. Mr. **KING**, of Alabama, briefly explained the object of the bill; which was merely to do away a misconstruction which had been put upon a former act. After some remarks by Messrs. **CHANDLER** and **LOWRIE**, the bill was laid on the table.

The bill "to abolish imprisonment for debt," was taken up. Mr. **TALBOT** submitted a new bill, as an amendment to the one originally before the Senate; and the subject was then postponed to, and made the order of the day for, Monday next.

LAWS OF ALABAMA.

The bill "to amend the ordinance of the State of Alabama, in relation to the navigable waters of the State," was taken up in Committee of the Whole.

Mr. **TALBOT** stated that the object of this bill was merely to place the State of Alabama on the same footing as every other State in the Union. By the article in the act admiting her into the Union, she was prohibited from imposing any tolls or exaction upon the navigation of her waters. It was now highly necessary, in order to promote the improvements contemplated in that State, to repeal this restriction. He thought there ought to be no difference, in this respect, between those States who were members of the Union when the present happy Constitution was adopted, and those which have since been admitted. If the State of Alabama should pass any law imposing an oppressive and unconstitutional toll or exaction, that law would come under the correction of the Supreme Court.

Mr. **VAN BUREN** said he was in the minority on the committee that reported this bill, and subsequent reflection had confirmed him in the opinion that the bill ought not to pass. Before the State of Alabama was admitted into the Union, she was required to pass an ordinance that the then navigable waters within her territories should be forever free from toll or exaction to her own citizens, and to the citizens of the other States. This ordinance accompanied the act for her admission. She now applies for the revocation of that ordinance. There is nothing peculiar in her situation. The other new States are subject to similiar restrictions. If this ordinance should be revoked, the same measure should be dealt out to all the other States. He had examined the laws for the admission of the other States, and found the same conditions attached to them. Mr. V. B. proceeded to explain the provisions which had been adopted in regard to other States on this subject. He believed the people of Alabama themselves would not require this revocation, if they would thoroughly consider the effect of this provision; it was a matter of great importance to them. In the old States, all the powers over their waters, which were not surrendered to the Government at the adoption of the Constitution, were reserved to those States. This reservation of a part of the power was calculated to bring them into collision with each other. The citizens of the new States have a check upon their own Legislatures which those of the old States have not. These checks he considered very advantageous. The people were protected by their own stipulations from any oppressive exactions, by acts of their own Legistures. He went on to show the difficulties which would arise from an attempt, on the part of any one of the States commanding the great Western rivers, to control the navigation of those rivers. It was a paternal interest for the new States, Mr. V. B. said, that had produced this stipulation.

Mr. **BROWN** objected to the propriety of imposing restrictions upon the people to protect them against themselves. He contended that, if the people of the new States were supposed to be capable of governing themselves, they ought to be vested with all the attributes of State sovereignty; and that there ought to be no reservation or retention of those rights which belonged to the other States. He adduced some other instances of similar reservations of power; such as a reservation of the title to the salt spring lands. He thought the State of Alabama should be placed on the same footing as the other States. She wishes only to remove obstructions in her navigation; and intends to impose no higher tolls upon the citizens of the other States than upon her own citizens. He considered it impolitic and unwise to impose this restriction.

Mr. **HOLMES**, of Maine, considered this the same question that was agitated on the admission of Missouri into the Union. He resisted the supposition of a power, on the part of the General Government, to impose restrictions upon the States, in regard to their legislation. The present proposition is, that the State of Alabama shall have power to impose tolls, for the improvement of her navigation. Mr. H. said, he had supposed they possessed that power; but as they consider the restraint in this ordinance a stumbling-block in their way, the inquiry is, whether it ought now to be removed? Mr. H. contended that it ought to be removed; that these new States ought not to be held in leading-strings, or as colonial governments, or to be restrained from legislating as the other States may do. He denied the right to impose any restriction or limitation upon the power of legislating; and contended that every new State, admitted into the Union, must be admitted with the same powers and privileges as the other States. If it were not so, the equilibrium of the Government would be destroyed, by the difference in the powers appertaining to the different States. The State had no right to surrender, nor had the General Government any right to receive, any part of that power which belonged of right to every individual State in the Confederacy.

Mr. **RUGGLES** moved the recommitment of the bill, with instructions to the committee to inquire into the expediency of making the bill general in its provisions, and applicable to all those States, in relation to which there exist similar restrictions.

Mr. **LOWRIE** moved that the bill should be laid upon the table. This motion was rejected by the casting vote of the Chair.

Mr. **VAN BUREN**, in answer to Mr. **HOLMES**, denied entirely, that this question was similar to that involved in the discussion on the admission of Missouri into the Union.

Messrs. **NOBLE**, **SMITH**, **KING**, of Alabama, H. **JOHNSON**, of Louisiana, **KING**, of New York, **TAYLOR**, of Virginia, and **THOMAS**, continued the debate on this question—after which, on motion of Mr. **THOMAS**, who stated that he was not yet prepared to vote upon the bill, it was ordered to lie on the table.

MONDAY, March 15.

Mr. **HENRY JOHNSON** asked and obtained leave to bring in a bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi; which was read, and passed to a second reading.

Mr. **ELLIOTT** presented the memorial of Ezekiel Wimberly, in behalf of the citizens of Twiggs county, in Georgia, and the remonstrance of Thomas Foard, and others, citizens of Baldwin county, in Georgia, severally remonstrating against the passage of the bill now before Congress, to increase the duties on imports, as unconstitutional, and highly injurious to the agricultural and commercial interests of the country; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. **BENTON** presented the petition of Charles S. Hempstead, and others, members of the bar, in the State of Missouri, praying that the times appointed for holding the district court in that State may be changed; which was read, and referred to the Committee on the Judiciary.

On motion, by Mr. **BENTON**, the Committee on Military Affairs were discharged from the consideration of the petition of Samuel J. Axson.

On motion, by Mr. **LLOYD**, of Massachusetts, two hundred copies of the documents, referred to in the Message of the President of the United States of the 24th of February last, on the subject of the claim of Massachusetts for military services, was ordered to be printed for the use of the Senate.

Mr. **JACKSON**, from the Committee on Military Affairs, to whom was referred the memorial of the trustees of the town of St. Charles, in Missouri, made a report, which was read and considered; and in concurrence therewith, resolved, that the Committee on Military Affairs be discharged from the further consideration of this subject, and that it be referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the joint Library Committee on the memorial of Way and Gideon, and of Edward De Krafft; and in concurrence therewith, the committee were discharged from the further consideration thereof.

CASE OF REUBEN COLBURN.

The report of the Committee on Claims, unfavorable to the petition of Reuben Colburn, was taken up for consideration. This petitioner prays compensation for two hundred and twenty batteaux, built in 1775, for the use of the troops of Colonel Arnold, then about to march into Canada;

and for sundry other services rendered, and disbursements made for the country at that time. He states, that he delivered over his accounts and vouchers for said disbursements and services, to the commissioner appointed by Congress for auditing and settling the accounts of the State of Massachusetts against the United States; that they were either lost or mislaid by said commissioner, and that they were not acted upon, nor could be obtained, for several years thereafter, to be exhibited again for settlement. He, therefore, prays that Congress would adjust his account, and pay him the balance due thereon. The committee report, that the great lapse of time, since the services of the petitioner were rendered, and the loss of public records and documents relating to the accounts of that period, render it doubtful whether he has any just claim upon the Government. They believe that the security of the Government, against unjust and fraudulent claims, requires that a lapse of time, such as has occurred in this case, should be regarded as a bar to all claims of a doubtful character; and that, therefore, the prayer of the petitioner ought not to be granted.

Mr. CHANDLER opposed the report of the committee, and moved to reverse it. Mr. HOLMES, of Maine, also spoke in opposition to the report, and Messrs. BELL and RUGGLES supported it. The question, on reversing the report, was then put, and decided in the negative—12 to 16. The report of the committee was then agreed to.

MILITIA SYSTEM.

The bill, reported by the Committee on the Militia, "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, and providing for the discipline thereof," was taken up for consideration in Committee of the Whole.

Mr. CHANDLER briefly explained the objects of the bill, and the points upon which it varies from the present laws on the same subject.

Mr. SMITH suggested the propriety of taking up the bill by separate sections.

The first section having been read accordingly,

Mr. CHANDLER stated that the only variation between this section and the existing law is, that it provides for a general registering of all the persons liable to do military duty. This section was amended by an insertion, to make it applicable, as well to the Territories and to the District of Columbia, as to the several States.

The second section specifies those who shall be exempted from the provisions of the act. They are the same as are now exempted by law from the performance of militia services.

The third section provides for the arrangement of the militia of the respective States, into divisions, brigades, regiments, battalions, and companies, as the Legislature of each State may direct.

Mr. C. stated that there was only an immaterial alteration proposed, by this section, from the existing system.

Mr. HAYNE objected to this section, as it provides for an arrangement of the militia, which has already been made.

Mr. CHANDLER stated that the object of this bill was to repeal all other laws on the subject, and embody the whole militia system in one general bill, in order that the officers and men might see, at one view, what their duty was, and what would be required of them.

On motion of Mr. BARBOUR, the section was amended by inserting, after the time of six months, within which the arrangement is to take place, the words "where such arrangement has not already been made."

The fourth section respects the elite companies of each battalion, their officers, arms, equipments, &c. It differs from the present system only by providing that, where there are no companies of grenadiers, light infantry, or riflemen, the two oldest companies in the regiment shall act as light infantry; and that, whenever any non-commissioned officer, musician, or private, of the cavalry, shall neglect, for the space of two months, to keep a horse, he shall be discharged from the cavalry, and be required immediately to do duty in the infantry.

The fifth section provides "that the militia, enrolled as aforesaid, shall, within twelve months from and after the passing of this act, be divided into two corps. All those above the age of 18, and under the age of 28 years, shall form one corps, to be denominated the select corps. And all over the age of 28, and under the age of 45 years, shall form the other corps, to be denominated the reserve corps. Both the corps to be and remain under the same organization, and under the officers, as is before provided, and shall be called out, by companies, one day in each year, together, for the inspection of arms, and for the purpose of improvement in discipline."

Mr. CHANDLER stated that, under the provisions of this section, the select corps would probably consist of about 858,000, and the reserve corps about 400,000 or 500,000; and that the expense of time, &c., would not be greater than is at present incurred.

Mr. LOWRIE thought the number of the select corps would be too great, and the expense too burdensome. He moved to reduce the greatest age of that corps, in this section, from 28 to 24 years. He thought it would be a curious select corps which consisted of half a million of men, and that the smaller number would be the more efficient. He was, however, opposed to the section altogether.

Messrs. SMITH, HOLMES of Maine, and CHANDLER, were opposed to the reduction of the specified age, and Mr. MILLS spoke in favor of it. The question on striking out 28 years was put, and carried. A motion to fill the blank with 26 years was lost. It was then moved to insert 25 years; which was adopted.

The sixth section was then read. It provides that the select corps, together with all the officers and non-commissioned officers of the militia, shall be called out four days at one time in each year, by division, brigade, regiment, or battalion, for the purpose of training and perfecting them in military discipline. It further provides that officers shall be daily detailed to command and train the troops so called out; and those officers who are not so detailed, shall be exercised and instructed in the line of their duty by some of the officers best qualified for that purpose; so that each officer will have an opportunity of commanding and receiving instruction during the four days aforesaid. It is left to the respective States to furnish the troops with such tents, camp equipage, and rations, as they may think proper.

Mr. **MILLS** objected to this section of the bill, as transcending the powers vested by the Constitution in the Congress of the United States. He read the Constitutional provision on this subject, which gives to Congress the power of organizing, arming, and disciplining the militia, and governing such parts as may be employed in the service of the United States, but which reserves the authority of training the militia, to the States, respectively. Mr. M. then proceeded to show the incompatibility which he supposed to exist between this article of the Constitution and the sixth section of this bill.

Mr. **BRANCH** also opposed this section. Messrs. **CHANDLER**, **BARBOUR**, and **HOLMES** of Maine, contended against the unconstitutionality of this section.

Mr. **HAYNE** moved to strike out the section, on the ground of its obvious opposition to the Constitution, and made some remarks in support of his motion.

On motion of Mr. **BELL**, the bill was ordered to lie on the table.

TUESDAY, March 16.

Mr. **SMITH**, from the Committee on Finance, to whom was referred the petition of Andrew Low and others, made a report, accompanied by a resolution that the prayer of the petitioners ought not to be granted.

Mr. **SMITH**, from the same committee, to whom was referred the memorial of Charles Gwynn, made a report, accompanied by a bill for the relief of Charles Gwynn, of Baltimore; which was read, and passed to a second reading.

Mr. **RUGGLES**, from the Committee of Claims, to whom was referred the petition of Martin Lincoln and Ann F. Humphreys, reported a bill to authorize the settlement of the accounts of Benjamin Lincoln and others; which was read, and passed to a second reading.

Mr. **LOWRIE** presented the memorial of Elijah Van Syckle, of Philadelphia, praying that the duties which accrued on the importation of a quantity of sugar may be remitted, in consideration of the said sugar having been afterwards consumed by fire; which was read, and referred to the Committee on Finance.

The bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi, was read the second time, and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government for the year 1824;" in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read, by unanimous consent, and referred to the Committee on Finance.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt" was taken up in Committee of the Whole. The question was upon the amendment heretofore proposed by Mr. **VAN BUREN**.

Mr. **LLOYD**, of Massachusetts, said, that when this subject was before under consideration, he had stated, that, when it came up again for discussion, he would submit to the Senate, from an authentic source, a statement, not to be questioned, of the situation, and of the number of persons in confinement for debt in the city of Boston; whether it tended to the credit or the discredit of that good old city. This, perhaps, he would not have done had he expected, that, for a long month then to come, the subject would have slept upon the table; for, whatever of wisdom this lapse of time may have given to our deliberations, it certainly had added nothing to the ardor or to the interest of the debate; but, as he had given the pledge, he would redeem it; indeed, after the statements that had been made, and certain terrific stories now also afloat, he would not willingly omit the doing it; for, although these allegations were of too grave and melancholy a cast to be trifled with, he was not disposed to shrink from a comparison of the city of Boston with that of any other city in this Union; on the contrary, he asked for no indulgence—he solicited no forbearance; if there was any thing in the laws or usages of Massachusetts, in reference to the imprisonment of debtors, which was justly a matter of reproach, he was ready to hear it, and to admit it or repel it; lamentable, however, was the state of that city, whose reputation must be dependent upon the evil conduct of one of her inhabitants.

Before, however, he presented the statements to which he had alluded, he would again repeat, he was not inimical to the principle of the bill; he had never been opposed to it; he had been its advocate; and, if a provision were ingrafted on it, requiring that an insolvent debtor, before availing himself of the benefits of the bill, should be required to make a disclosure of his concerns, and a surrender of his effects for the benefit of his creditors, generally, he would cheerfully vote for the bill; nay, he would go farther; for if, under these circumstances, the debtor was honest, he would not only exempt his person from future arrest—he would, also, forever after, exempt from seizure or liability the future product of his earnings or his industry.

He was so far from being opposed to the bill, he said, he considered the existing insolvent laws of the several States as a disgrace to the country, as offering a bounty to fraud, and as a reproach to the humanity of the age in which we live. He had, however, strong objections to the bill, although he might eventually vote for it under almost any provisions. His objection to the bill arose, first, from the possibility that it might prevent something better; and next, because, except, perhaps, as a precedent and example, even if it passed, it was, as he thought, worth nothing. It could apply only to persons imprisoned for debt under executions issuing from processes in the courts of the United States; for, whether the legislation on this head, by the several States, be good or bad, the present bill would not touch it. On that head a limit is distinctly prescribed. If the State laws conflict not with the provisions of the Constitution of the United States, you cannot meddle with them; if you do, or if you attempt it, the States will pay just as much attention to your mandates, as the waves of the ocean paid to the mandates of Canute the Great, when he ordered them to stop at his bidding, and no more.

Mr. L. said he had believed the bill would not have applied to an individual in the State of Massachusetts; but he was mistaken on this point, and, when in error, and convinced of it, he was ever ready to avow it; he fortunately had at his command, at this time, the means of indisputably ascertaining the fact. The United States District Attorney for Massachusetts was now at Washington, and he had referred to him, and been informed that, although for many months previously, not a human being, to his knowledge—and from his official station he could not but be conversant with the fact—not a human being had been in confinement for debt under processes from the United States courts; but that, unhappily, at this moment, such was not the case. How many, then, are there, sir, so imprisoned? Let me tell you. One single, solitary individual. How came he there? He had been imprisoned at his own solicitation, in order that he might avail himself of the humane provisions of the act of June, 1798, for the relief of persons imprisoned for debts due to the United States, which authorized the Secretary of the Treasury, under certain circumstances, to release the debtor. So much for the actual state of imprisonment for debt in Massachusetts, upon which this bill can be brought to operate.

Having shown this, Mr. L. said, although whether it be more or less, or whether this bill passes or not, it could not be operated upon by it, he would next proceed to show the number and situation of persons imprisoned for debt in the city of Boston under the laws of the State; and he would do this from authentic records, to which he challenged contradiction. In doing it, the first document to which he would refer was to a letter under date of the 1st of the present month, from a highly respectable gentleman of that city, Judge Thatcher, the Judge of the Municipal Court, whose duty it is to have under his cognizance, and to take especial care of, the prisons within its precincts, and the persons confined in them, and whose testimony could not be impeached. This gentleman writes that—

"The care of the jail in this city belongs to the Mayor and Aldermen, as successors to the Court of Sessions. By an act, passed in February, 1822, it is made the duty of the Board of Accounts, and the Justices of the Police Court, to visit the jail once in a quarter, and all other places of confinement and punishment of crimes and offences, or for the nonpayment of debts, within this county; to make report to the Mayor and Alderman of their proceedings; to state all grievances, mismanagements, and negligencies, which they find to exist; and to suggest such changes and improvements as they may deem wise and expedient. Since I have belonged to the Board, I know that this has been done. It has been their practice to visit each room, and to ascertain the actual condition of the prisoners, giving them opportunity to make complaint, should any such exist. The quarterly reports of these visitors will evince the interest they have taken in the painful performance of this trust; and, from my own observation, I am perfectly satisfied of the correctness of the reports made by the grand jury. Being desirous that the city should stand vindicated, in your opinion, from an imputation of inhumanity on this subject, and that you may, if necessary, be able to refer to the enclosed documents, I hope you will deem it a sufficient apology for my troubling you with this statement."

This, sir, said Mr. L., was the authentic and official source from which this information had been derived; and the documents alluded to, are the following, two of which are adduced at different seasons of the year, to show, that no collusive selection of a favorable moment of exhibition has been resorted to. The first is, the report of the Grand Jury of the "Municipal Court of the city of Boston, in August term, 1823," as follows, viz:

"That the Grand Jury, in compliance with their duty, and the charge delivered to them by the honorable the Judge of the Municipal Court of the city of Boston, at the present term, on the subject of jails, have this day attended to that duty, and report:

"That they went through all parts of both buildings, and entered the several rooms and cells of the prisoners, to ascertain the condition of the same, and to give the prisoners an opportunity to communicate their wants and complaints, in case any existed."

"The apartments of the debtors, male and female, were generally clean; there was no indication of a want of personal cleanliness, or of suffering; the bread furnished both to them and to those confined for offences, was of a sweet and wholesome quality, and good health generally prevailed in the jail; the Jury were very particular in their inquiries of the various classes of prisoners, and were highly gratified in finding them, uniformly, satisfied with the quantity and quality of the bread and meats, as well as the quantity, quality, and frequency of the water."

"The Jury found the persons committed for debt, separate and apart from felons, convicts, and those committed or charged of any infamous crime. The jail appeared to be kept with due regard to discipline, order, and safety, and there did not appear to the Jury any turbulence or noise, but, on the contrary, in many of the rooms, both those appropriated for debtors, as well as criminals, the inmates were engaged in reading."

"The rooms and avenues of the jail appeared to the

Jury to be well ventilated—walls clean, and air not impure; in fact, owing to such a state of cleanliness must be imputed the general health that prevails throughout the prison."

"The Jury find the whole number of persons confined for debt to be—

Male debtors - - - - 23
Female debtors - - - - 2
—25!!!"

The record is signed by the foreman, August 11, 1823.

The next document to be produced, is a like report of a similar Grand Jury, made so late as within the last month of February—presented to the court—transmitted to the Mayor and Aldermen, and, by them, ordered to be published; in which it is stated, "that the Jury have, this day, (February 6,) gone through and inspected every 'apartment in both buildings, (the jails,) and 'made all necessary inquiries of the prisoners, as 'to their treatment, fare, &c., and they were gratified to find them generally satisfied with the 'quality and quantity of the provisions served to 'them, and with their personal treatment; particularly those confined for debt, from whom not a 'word of complaint, in any respect, was uttered 'by a single individual; that the buildings were 'sufficiently ventilated, comfortably warmed, clean 'in the apartments and passage ways, and the 'whole interior made sweet and pure by the application of lime; that the jail is under good 'discipline, prisoners orderly, and generally in a 'healthy state; and that the whole number con'fined for debt, was"—not fourteen hundred, nor after the rate of three or four thousand in three years—"but, actually, twenty-two!"

This, sir, said Mr. LLOYD, is so much of these reports as has reference to the subject under discussion. They speak for themselves—and not having intended, nor now intending, to enter into debate, on this bill, here he should leave them. The occasion did not, in his opinion, make it necessary, even that he should attempt to render a feeble tribute of justice to the city of Boston. He would not, therefore, point to her origin, than which, no people could trace one more pure or more honorable. He would not ask that her Revolutionary history should be retraced, nor that regard should be given to any, or to all her noble institutions; to the numerous temples she had erected for the worship of the ever-living God, the giver of every good gift; to the university, in her neighborhood, of which she is the patroness—the pride and the ornament of our country; to her numerous public schools, where the infant of the poorest inhabitant, as soon as he can lisp his letters, at four years, is taken under public tuition, and continued there, without expense to his parents, until he is, not unfrequently, turned out, at the age of fifteen, a scholar that would do credit to the seminaries of Eton or of Westminister. He said he would not ask the Senate to refer to her magnificent, charitable endowments, her asylums for orphans, male and female; her spacious alms-houses, retreat for the insane, and general hospital; some of them equal, in external beauty, to the presidential palace, and exceeding it in their dimensions. He would not ask that the unexampled munificence of her citizens should be remembered, one of whom, by a single donation, to a single institution, within even the last six months, had given, in money, or what had already realized it, more than one hundred thousand dollars. Rival it elsewhere, if you can, sir. He would attempt nothing of this. His task was a humbler and less grateful one; it was to tell the truth respecting her prisons, always the abode of misfortune and misery, and to ask you, also, to look at them. It was not requisite that he should become the panegyrist of a city which did not need his support, and whose merits, wherever known, would speak, trumpet-tongued, her own best eulogy.

When Mr. LLOYD had concluded—

Mr. MACON proposed an amendment, to limit the operation of the bill to all contracts made after the 1st of July next; and thus to take away its retrospective character.

Mr. BARBOUR said, it was his opinion, that the bill ought to apply to all contracts, as well those which have been, as those which may be hereafter, made; but, for the sake of compromise, he should vote for the amendment.

The question was then taken, on the amendment proposed by Mr. MACON, and passed in the affirmative.

Mr. VAN BUREN made a few remarks, in explanation of his amendment. The question was upon adopting his substitute for the first section of the bill; which substitute provides that, on an affidavit of the debtor's intention to leave the country, substantiated by the evidence of two credible witnesses, the creditor shall have a right to hold him to bail.

Mr. MILLS suggested several amendments to this section. One of which, proposing to strike out the clause requiring the evidence of two witnesses, in order to hold to bail, gave rise to some debate; in which, Messrs. MILLS, TALBOT, and TAYLOR, of Virginia, advocated, and Messrs. BARBOUR and VAN BUREN, opposed it. The amendment was agreed to.

An amendment proposed by Mr. TALBOT, subjecting the creditor, if there should not appear to have been sufficient cause for holding to bail, to a suit for damages, was discussed, and subsequently withdrawn by the mover. The question upon the substitute for the first section, as proposed by Mr. VAN BUREN, was then put, and carried in the affirmative.

The substitute for the fourth section was then taken up.

Mr. VAN BUREN stated the difference between the two sections. The original section in the bill provides that on a return of no property found, upon a fieri facias, the plaintiff may file an affidavit that he has good cause to believe that a fraudulent conveyance, or concealment of property, has taken place; and then, after summons to the party, so charged, a jury shall be impannelled to try the fact, &c. The proposed amendment provides, that the party so charged shall be held to bail, on receiving such summons, to respond to it. This amendment was supported by Messrs. VAN BUREN, MILLS, and BROWN, and opposed by Messrs. EATON, TALBOT, and JOHNSON, of Kentucky. The question was then taken on striking out the fourth section of the original bill, and decided in the affirmative. The question before the Senate, was then upon inserting the section proposed by Mr. VAN BUREN, in lieu of the fourth section. Mr. HAYNE proposed to amend the amendment, so as to permit the creditor to file the affidavit of his belief of a fraudulent intention to convey or conceal property, upon the judgment or decree of the court, without waiting for the return of the fieri facias. Without taking the question, the Senate, on motion of Mr. TALBOT, adjourned till to-morrow.

WEDNESDAY, March 17.

The PRESIDENT communicated a report from the Secretary of the Treasury, exhibiting the official emoluments and expenditures of certain officers of the customs, and an abstract of the fees received on certificates to accompany distilled spirits, wines, and teas, commissions on disbursements as superintendents of lighthouses, and as agents for the marine hospital.

Mr. BENTON presented the petitions of David Martin and Elkanah English, soldiers in the Army of the United States during the late war, who received injuries while in the service of the country, and pray that they may be placed on the pension list.—Referred to the Committee on Pensions.

Mr. HAYNE presented the preamble and resolutions adopted at a meeting of the citizens of Sumter district, in South Carolina, remonstrating against the passage of the bill, now before Congress, to increase the duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Thaddeus Mayhew, reported a bill for the relief of Thaddeus Mayhew; which was read, and passed to a second reading.

Mr. TALBOT, from the Committee on the Judiciary, to whom the subject was referred, reported a bill further to regulate the jurisdiction of the Supreme Court of the United States; which was read, and passed to a second reading.

The Senate proceeded to consider the report of the Committee on Finance, on the petition of Andrew Low and others; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the resolution proposing an additional rule for conducting business in the Senate; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, together with the amendment reported thereto by the Committee on Public Lands; and it was postponed to to-morrow.

The bill, reported by the Committee on Claims, for the relief of Samuel White, was taken up, in Committee of the Whole. This bill provides for the repayment of the excise duty paid on two stills. The bill was reported to the Senate, and passed to be engrossed, and read the third time.

The bill, reported by the Committee on Finance, "for the relief of Napier, Rapelye, Bennett, Petray, and Viel," was taken up in Committee of the Whole. Mr. HAYNE explained the grounds upon which this bill was founded. It provides for the repayment to these petitioners, merchants of Charleston, South Carolina, of duties paid to the United States, on certain goods imported into St. Augustine, previous to the cession of Florida to the United States. The bill was reported to the Senate without amendment, and passed to be engrossed, and read the third time.

Mr. NOBLE, from the Committee on Pensions, reported on the petition of Comfort Smith. She prays that her husband, who is entitled to a pension for his Revolutionary services, but cannot be placed on the list, in consequence of insanity, by which he is rendered incompetent to take the requisite oath, may be placed on the list, without taking the oath. The committee reported a bill granting the prayer of the petitioners; which was passed to a second reading.

IMPRISONMENT FOR DEBT.

The unfinished business of yesterday, being the consideration of the bill "to abolish imprisonment for debt," was resumed, in Committee of the Whole.

The fourth section of the original bill having been stricken out, yesterday, the question was upon inserting a new section, proposed in lieu of it, by Mr. VAN BUREN, which provides that, on a return of no property found, upon a *fieri facias*, the plaintiff may file an affidavit that he has good cause to believe that a fraudulent conveyance, or concealment of property, has been made by the debtor; and then, after summons to the party so charged, a jury shall be impannelled to try the fact; and, upon the finding of the fact, execution to issue against the body; the party to be deprived of the benefit of the prison bounds, until discharged by due course of law. Upon the summons aforesaid, the party so charged is to be required to give bail, to respond to the summons. Mr. HAYNE had moved to amend the proposed section, so as to permit the creditor to file the affidavit of his belief of a fraudulent intention to convey or conceal property, upon the judgment or decree of the court, without waiting for the return of the *fieri facias*. Mr. HAYNE withdrew his amendment, to give place to others proposed, in the details of the section, by Mr. VAN BUREN, which were adopted; and Mr. H. then renewed his motion, and made some remarks in favor of it. The amendment was then agreed to. An amendment proposed by

Mr. Eaton was rejected. The question was then taken upon inserting the section, as thus amended, and carried in the affirmative.

Mr. Branch moved to amend the bill, by inserting a new section, providing that no person, who shall have been convicted, by a jury, under the provisions of this act, of an intention to defraud persons holding just claims against him, by the conveyance or concealment of property, shall be competent to give evidence, in any matter, either civil or criminal, which may come before the courts of the United States. This amendment was supported by the mover, and opposed by Messrs. Johnson, of Kentucky, Holmes, of Maine, Talbot, Lanman, and Van Buren. The amendment was rejected.

Mr. Kelly suggested some points in which he considered the bill as being yet deficient, in relation to the means of the creditor to compel the debtor to surrender his property; to which suggestions Mr. Van Buren replied.

The bill was then reported to the Senate, and, with the several amendments made in Committee of the Whole, was postponed till Friday next, and made the order of that day.

Thursday, March 18.

Mr. Benton, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill to enable the President to carry into effect the treaty made at Ghent, the 24th of December 1814, excluding foreigners from trade and intercourse with Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States; he also communicated sundry documents in relation thereto. The bill was read, and passed to a second reading, and the documents ordered to be printed for the use of the Senate.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom were referred the petition of Thomas Evans and Thomas Coppuck, and the memorial of William F. Chesley, and others, made a report, accompanied by a resolution, that the prayer of the petitioners and memorialists ought not to be granted.

Mr. McIlvaine, from the select committee on roads and canals, to whom was referred the memorial of I. L. Skinner, made a report, accompanied by a bill for the relief of Ichabod Lord Skinner. The report and bill were read, and the bill passed to a second reading.

Mr. McIlvaine presented the memorial of Clayton Lamb, and others; of Anthony S. Earl, and others, of Burlington county, New Jersey; and of Paul Burd, and others, severally praying that additional duties may be imposed on imported iron, and on the manufactures thereof; he also presented the memorial of Joseph Sykes, and others, farmers of New Jersey, praying that the duties on imports may be increased. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of Charles Gwynn, of Baltimore; the bill to authorize the settlement of the accounts of Benjamin Lincoln, and others; the bill for the relief of Thaddeus Mayhew; the bill further to regulate the jurisdiction of the Supreme Court of the United States; and the bill for the relief of Noah Smith, of Maine, were severally read the second time.

The bill for the relief of Samuel White, having been reported by the committee correctly engrossed, was read the third time, and passed.

The bill for the relief of Napier, Rapelye, and Bennett, and Petray and Viel, was read the third time, and passed.

The bill, reported by the Committee on Pensions, "for the relief of Noah Smith, of Maine," was taken up for consideration in Committee of the Whole. This bill authorizes the person, for whose relief it is drawn, to receive a pension to which he is entitled by Revolutionary services, but which he has hitherto been prevented from receiving, in consequence of insanity, which incapacitates him from taking the oath required by law. The bill was reported to the Senate, and passed to be engrossed, and read the third time.

The unfinished business of yesterday, being the consideration of the bill "better to secure public moneys in the hands of clerks, marshals, and attorneys," was resumed. This bill was, on yesterday, reported from the Committee of the Whole to the Senate. Mr. Johnson, of Louisiana, moved to strike out the fifth section of the bill; which requires all the public officers, receiving fees, to transmit to the Treasury Department, annually, on oath, a particular statement of the fees received by them, and the amount of public moneys remaining in their hands. Mr. J thought it would give a great deal of trouble to the officers specified, without producing any advantage to the Government. Mr. Holmes, of Maine, opposed the motion to strike out the section. The question on that motion was then put, and rejected. The bill was then passed to be engrossed, and read the third time.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, together with the amendment reported thereto by the Committee on Public Lands; and, on motion, laid on the table.

AMENDMENTS TO THE CONSTITUTION.

On motion of Mr. Hayne, the various joint resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President, were taken up for consideration.

Mr. Mills moved that the further consideration of these resolutions be indefinitely postponed. He said he was induced to make this motion, from a full conviction that the subject could not be acted upon at the present session of Congress, and that, therefore, it would be useless to consume time in the discussion.

Mr. Branch opposed the indefinite postponement, and called for the yeas and nays on the question.

Mr. KING, of New York, observed, that the excitement respecting the next election, had become such among the people, and in Congress, who had been, for the two last years, much occupied about it, that the sober and impartial examination of the very important subject of amendments of the Constitution, cannot be now expected. The amendments should, therefore, be postponed to a period when the Senate may hope for a more temperate and rational examination of them than at the present time can take place.

Without entering into any examination of the proposed amendments, he should vote for their postponement, not only for the reasons which he had assigned, but for another, and, as he thought, a still more important consideration; in referring to which, he must request that he might not be supposed to want respect for, or to claim authority over, the opinions of any member of the Senate. We all stand here as equals, and it was for this cause, after the expression of his deference to the rights of others, he hoped, without offence, that he might exercise his own rights. He should, therefore, proceed, after touching on certain fundamental provisions of the Constitution, or bond of union, of the United States, constituting what he called the true balance of power in our political system, to draw the attention of the Senate to a new, extraordinary, self-created, central power, stronger than the power of the Constitution, which has risen up, at the Seat of Government; a power which has assumed the direction and control of the fundamental provisions of the Constitution, relative to the election of the President. In attempting to reform the Constitution, it is not only necessary correctly to understand its established and well-considered regulations, but to make inquiry concerning the manner in which these regulations have been observed, and the advantages or disadvantages which are found by experience to proceed from the observance of or departure from the established provisions of the compact, by which, under the guarantee of all to each, the States expected to remain separate, coequal, and sovereign republics.

It is, therefore, expedient, on a motion for the indefinite postponement of the proposed amendments of the Constitution, in whatever light we may have hitherto regarded them, to allude to, to designate, and call upon the Senate to examine, the nature, tendency, and danger, of this new and extraordinary power, which has risen up, and established itself, at the very Seat of Government; which has already assumed authority unknown to the Constitution, and threatens to overturn the balance of power, proceeding from its division and distribution between the States and United States.

We all know that the Constitution of the United States is the fundamental act of the union of the States, defining the power yielded by each State to the United States, establishing the reciprocal rights and duties of the States and of the United States, and, in respect to the latter, determining the manner in which their authority shall be exercised.

The authority of the United States is divided into three great departments, and the manner of appointing the members of each department is equally fundamental as their division, and necessarily excludes every other manner of division or appointment.

The dangers to which experience had shown that the election of Executive Chiefs are liable; dangers which had led other nations to prefer hereditary to elective Executives, were, without doubt, well considered by the members of the General Convention, who, nevertheless, did indulge the hope, by apportioning, limiting, and confining the Electors within their respective States, and by the guarded manner of giving and transmitting the ballots of the Electors to the Seat of Government, that intrigue, combination, and corruption, would be effectually shut out, and a free and pure election of the President of the United States made perpetual.

At an early day, however, and on the first and only difficulty which has ever occurred in the manner of electing the President, an alteration of the Constitution was made by the States. This alteration, which now forms the Constitution upon the subject, while it may prevent what, at the moment, was believed by a majority of the States to be a mischief, which was feared only, as it never happened, has unfortunately left the United States unprotected against present and future evils of greater magnitude, against which the primitive provision would have proved an adequate security.

The excitement of that period, proceeding from causes not likely again to have happened, admonishes us against future alterations at periods of agitation, and dissuade from proposing further alteration at this time.

The Constitution provides that the President and Vice President shall be elected in this manner: Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name, in their ballots, the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and, if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other Constitutional disability of the President.

Such are the actual provisions of the Constitution respecting the election of the President. The Constitution itself, as we are informed by the report of the Convention to the Old Congress, was the result of a spirit of amity, and of mutual deference and concession; greater powers were surrendered to the United States by the large States than by the small ones, because their numbers and resources were greater.

The House of Representatives is composed on the basis of the numbers of the respective States, the small States here yielding to the large ones, and the Senate is composed on the basis of the equality of the States, the larger States here, in turn, deferring to the small ones. The Executive is chosen by neither rule, but by the influence of both rules united; it is well known that the small States would not have consented to the choice by Electors, a mode favorable to the large States; but, upon the consent of the large States, on the failure of the choice of the President by the Electors on the first trial, that the House of Representatives voting by States, the representation from each State having one vote, shall choose the President, not from those they deem the most worthy, but from the persons having the highest numbers, not exceeding three, on the list of those voted for by the Electors, thereby restricting the choice of the House of Representatives to the three highest candidates nominated by the large States. To this adjustment, which was brought about by compromise between the States, no objections were made at the period when the Constitution was afterwards under the discussion of the several States. Though great difficulties occurred in the debates of the State conventions on other portions of the Constitution of the United States, no opposition appeared to the provisions of the Constitution respecting the manner of electing the President, and no such objection occurred until the fourth election of the President, which was made by the House of Representatives; since that period, five Presidential elections have taken place, and, in eight of the nine elections, the President has been chosen by the Electors; the fourth election is the only instance in which the President, not being chosen by the Electors, the election devolved on the House of Representatives. The compromise, on the subject of the Presidential election, which has been always binding in honor and good faith, seems of late to have been forgotten; and dissatisfaction and complaint have appeared at the seat of government in Virginia, New York, and other States, that the influence of the great States was unreasonably impaired by the provision of the Constitution, that, after the failure to choose the President by the Electors, the election should devolve upon the House of Representatives, although the House of Representatives is restricted to the choice of the President from three candidates, nominated by the Electors, a majority of whom are appointed by the large States. Hence it has happened, from year to year, that attempts have been made by certain States to alter the Constitution on the subject of the Presidential election, notwithstanding this election is matter of compromise and compact between the States, without which no Constitution or Union could have been formed. Hitherto these attempts have all failed, and, since the addition of so many new States, the probability of any alteration of the Constitution is much diminished; but, while the chance of any regular alteration is lessened, the dangers of the Constitution are much increased. The formidable central power, which has appeared at the Seat of Government, which is neither deputed from nor apportioned by any established rule among the States, but proceeding from a self-created body, unknown to the Constitution—a body which acknowledges no law founded upon common and equal rights, knows no superior, and which reaches, and is systematically combined with affiliated bodies at the seats of government of the great States—a body that already constitutes a power greater than the power of the provisions of the Constitution, and assuming the right to nominate the President of the United States, expects, by the assistance and increase of their distant associates, and the discipline and popularity of their leaders, to elect the President, in violation of the manner prescribed and established by the Constitution.

The *central power* at the Seat of Government is at present composed of a select number of the members of Congress, who, from their official station, have access to, and intercourse with, the foreign ambassadors, as likewise with the great officers of the Government, and, by aid of the Post Office, and the public press, communicate with their associates throughout the country. Such a body are capable of having, and actually do possess, great influence in every part of the Union. They are under no restrictions as to the number and condition or residence of their members; the Judges of the Supreme Court, should they consent, may be added to this central junto, an addition which would increase their respectability and influence; they might proceed further, and the Heads of the Executive Departments might be requested to become members of the central junto; should they also unite with them, their influence would be still further increased. Should perilous times occur, and men of unchastened ambition become the President and Vice President of the United States, they would employ this central power to fill the two Houses of Congress with their favorites, and, by their co-operation with the Governors and popular clubs at the seats of the State Governments, be able to effect in our own free country changes which might utterly subvert our beautiful scheme of government. Should this central power, extending to all portions of the Union, be able, by the co-operation of its associates, to discredit and supersede the separate powers of the States in the choice of President, it would afterwards find less difficulty in effecting the consolidation of the Executive power of the United States, which, by the Constitution, proceeds from, rests upon, and is bound to defend, the separate authority of the respective States. This done, the reform will not stop at the consolidation of the Executive power of the United States, ruinous as that measure may prove; but will extend to the legislative department, and, difficult as the attempt may seem, endeavor to abolish the equality of the States in the Senate. This alteration may, in the commencement, be a mere recommendation, like the congé d'élire or nomination of the President by the central power at the Seat of Government; but, recommendations often repeated, will, in time, become imperative commands, and to this end it will be urged that, by these means, our plan of Government will become more economical, more simple, more magnificent, and less liable to change from occasional popular excitement. We may have one Chief Magistrate, instead of twenty-five—one legislature of three hundred members, instead of twenty-five legislatures of three or four thousand members—one judiciary, instead of a thousand, supported by lawyers, whose numbers would form an army—and instead of an irregular choice of the President by the present mode, we may have one unbroken succession of Presidents, from a consistent and perpetual body, whose plans of policy and pretensions to power had been settled by uninterrupted and secret deliberations.

These changes may not occur, and our best security that they will not, depends upon the patient, firm, and constant adherence to the provisions of the Constitution. The compact between the States has already received the sanction of one generation; the alteration which it suffered, during this period, may, perhaps, by common consent, hereafter be itself altered, and the Constitution restored to its primitive form; the changes which happened in the government of Holland, in the Italian Republics, and the progressive steps by which elective magistrates have elsewhere become hereditary, should induce us to adhere with decision and fidelity to the checks and securities which our Constitution has provided for the preservation of our representative system of government, balanced as it is by the division of power between States, unequal in territory, numbers, and wealth, and between them and the United States.

The successive attempts to alter the Constitution, originating in most instances in the belief that the proposed amendments would be positive improvements, although they have failed, have, nevertheless, not only disturbed the repose of Congress, but weakened the stability of the Constitution.

While the subject was under debate in the General and State conventions, every article and provision thereof was open to free examination. In those discussions difficult questions arose upon the division of the powers between the States, and between them and the United States; and particularly in determining the manner in which the powers of the last should be exercised. On this subject, the journals of the General Convention show that the deputies from the great States desired an influence proportionate to their greater numbers and resources; while those from the small States showed an equal or greater solicitude to preserve, as far as possible, the influence of equal sovereigns, which they enjoyed under the Confederation, and in fact possessed in the formation of the Constitution itself. The Constitution, therefore, ought to be regarded as a compact expressive of the liberality and prudent policy of the States, and its apparent inequalities constitute a peculiar system of balances, derived from permanent natural differences among the States, which is believed to be superior to any artificial establishment, or political charter, heretofore devised. The unceasing struggle between the natural superiority of the great States, and the self-love and spirit of equality of the small States, (which will endure so long as their freedom shall exist) constitutes an equipoise of unceasing efficacy in the maintenance and the preservation of our political system. This system is able to maintain and preserve our envied freedom, if it fortunately has influence sufficient to create in the hearts of the citizens of the United States that affection and fidelity without which no plans of freedom ever have succeeded, or can succeed.

It is demanded that any member of the Senate would point out an article or clause of the Constitution which authorizes, or gives the slightest encouragement to, measures of any sort, by which a concentration of the votes for the President may be effected, previously to the choice of Electors in the several States. If no such authority can be shown, and Mr. K. said that, in his opinion, none could be pointed out, it may be fairly inferred, from the provisions of the Constitution, and the power of Congress to give effect to those provisions, respecting the times of appointing the Electors, the time, manner, and places where they must assemble and give their votes, within their respective States, not only that no such authority exists, but the precise and definite regulations which restrict and confine, within the respective States, the initiatory process in the election of the President, exclude every other and different manner of beginning the election, and, connected with the prohibition of members of Congress and persons holding offices under the United States from becoming Electors, demonstrate the illegality and dangerous tendency of a central power, at the Seat of the General Government, combining to nominate the President of the United States eight months before his election. Members of Congress belonging to this central power, and moreover possessing great talents, learning, and experience, will obtain an influence with the Executive departments which must impair the just influence of others, not possessing the same authority. With these discriminations, such members, received with distinction by foreign ambassadors, and necessarily holding, under circumstances of favor, intercourse with the chief officers of the Government, will form connexions, and establish regular intercourse with persons of like talents and learning in the several States, and, in a special manner, at the seats of government of the principal States—these distinguished men becoming the illuminati of our country, and being regulated by a sort of freemasonry, the sign and pass-word of which will, at once, place the initiated in full confidence and communion with each other in all parts of the Union. Such combinations secure to the members of the central power influence and advantages in the making laws, as well as in the procuring of appointments of every sort, and above all, in promoting the election of such candidate for the Presidency as they may select and nominate. The members of the central power will, under such circumstances, devote more of their time, during the sessions immediately preceding an election, in arranging, combining, and extending the means to effect the election of their candidate than will be bestowed on the ordinary and regular business of Congress; and, instead of doing the business that they were deputed to perform, they will be engaged in other duties which interfere with them.

The course of events, during the last Winter, may have already led near observers to suspect a connexion existing between a central power of this description, at the Seat of the General Government, and the Legislatures of Georgia, North Carolina, Virginia, and New York, and perhaps of other States.

It is supposing men to be blind to the influence and results of former examples of this nature, that have appeared in other times and countries, to believe that individuals, distinguished by talents and experience, aided by skilful associates, especially at the seats of the State governments, will be easily defeated, or be likely to fail in the accomplishment of their purpose.

Rome, in former times, was the seat of a great central power, which reached to her remotest provinces, and the life, liberty, and property of the citizens were everywhere held at the mercy of this power. Paris, in our own time, has also been the seat of a great central power, which extended over all parts of France, and, acting upon the people in all their towns and villages, punished opposition to its mandates, and whatsoever were deemed errors in political opinion, with confiscation of property, and loss of life.

These remarks are not to be answered by a reference to the practice of the State Legislatures. Conferences and meetings among the members of those local bodies, to agree upon measures in reference to State policy, are not liable to the same objections. Their influence is less powerful, and they operate within more limited spheres, and the members are more responsible for their political acts, as well by the greater frequency of State elections, as by the scene of their political operations being nearer to the supervision and inspection of their constituents. Neither are there the same Constitutional objections arising from the inequalities of the States and from our federative and balanced system of Government.

It was to protect the people of the States from this great central power that, instead of concentrating power in one place, the Constitution has provided for the division and distribution of it throughout and among the States. By adhering to this division and distribution of power, though we find our Government less simple, more expensive, and less magnificent, we may rationally hope to preserve our political integrity, and to perpetuate our liberties.

There are apparent defects in our Constitution. We have, nevertheless, increased and prospered under it. If these defects were cured, the very means which should effect the cure may introduce, as has happened, other and greater defects, especially when these alterations are made in the midst of political excitement, and without opportunity of regarding all the evils connected with the remedial amendments.

All that is the work of man is, like him, imperfect. We probably enjoy a greater portion of freedom and happiness than falls to the lot of other nations; and because we desire yet more, we must be careful not to lose what we have, by hasty and partial alterations in our plan of Government. He would, therefore, prefer to adhere, for the present, to the Constitution as it is, in hopes that adequate means may be devised to suppress this great and alarming central power, which is now oppressing the Constitution itself, by controlling and superseding its wise and well considered provisions.

Mr. SMITH, of Maryland, was in favor of some amendment of the Constitution, in order to establish an uniform mode of electing the President; and the resolution now before the Senate would only go to produce that effect. He considered it to be the true meaning and intent of the Constitution that the election should be made in some uniform mode, throughout the States, and, if it were so, the choice would not frequently come to the House of Representatives. If the present provisions of the Constitution were suffered to remain, he did not see how we could ever have a President and Vice President elected by the people. Such an event would be morally impossible. He believed it was in the spirit of the Constitution that the President should be elected by the people of the United States. Now, if an amendment was proposed, which would increase the probability of an election according to the true spirit of that instrument, why should it not be adopted? In those States in which the choice of Electors is made by the Legislature, there have been repeated propositions to change the mode of election, on the spur of the occasion, to favor the views of particular candidates. Changes of this kind, Mr. S. believed, had been proposed in Virginia, and in New York, in order to affect their elections. In New York, the members of the Legislature had been subjected to scorn and contempt, for not altering the mode of choosing Electors, to meet a certain exigency. Mr. S. said, if he had been a member of that body, he certainly should not have voted for such a change, under such circumstances. He thought the mode of election, whatever it might be, ought to be uniform in each State, and throughout the country.

The resolution proposed by the gentleman from Missouri had been taken up, and partly discussed—and, Mr. S. said, he did not know why it should not be further considered. He had never listened with more pleasure than to the arguments of that gentleman in support of the plan he had proposed; and, as other members had intimated their wish to reply to those arguments, Mr. S. was willing they should have the opportunity to do so. When the speech of the member from Missouri came to be printed, as it probably would be, and as it richly deserved to be, he wished to see the arguments of those who were opposed to that gentleman's plan also printed—that the public might see and judge of the reasons urged in its support. As to the practice of holding caucuses, to which the gentleman from New York had alluded, it had long existed in this country. It was no new thing here. It had been adopted on a great many important occasions—it had produced a great many good effects. Mr. S. believed the first embargo was agreed upon in caucus. Every one had a right to the exercise of his own opinions and principles, on that subject. But, Mr. S. said, he considered the present question to be upon the propriety of establishing some uniform mode of electing the President; and this, he thought, ought to be done.

Mr. VAN BUREN, of New York, said, that it had not been his intention to add any thing to the remarks he had heretofore submitted on the motion now under consideration, but some explanation on his part had become necessary. It would, he thought, be injustice, as well to his constituents as to himself, to suffer the new views which had been taken of the subject by his honorable colleague, to pass unnoticed. In discharging the duty thus imposed upon him, he would not increase the excitement which has been manifested, by giving any latitude to the discussion which the occasion did not call for. No portion of the time of the Senate would be occupied by him, in discussing the constitutionality of a Congressional caucus; nor in considering any of those nice distinctions which challenged respect for the proceedings of conventions of one description, and denied it to others; nor in detecting those still more subtle refinements which regarded meetings of the same character as sometimes proper, and others destructive of the purity of elections and dangerous to the liberties of the people. He could not satisfy himself that this was either the place or the occasion for discussions of that character. But, whilst he abstained from following his colleague in the remarks having reference to this subject, which he had allowed himself to make, Mr. V. B. hoped he would not be understood as wishing to raise a question as to the propriety of the course which his colleague thought proper to pursue. It would not become him to do so. The principal ground taken for the postponement of the resolution, on a former occasion, related to the excitement produced by the approaching election, and the superior fitness of a future period for the consideration of the subject. This ground had now been much enlarged. It had been observed by an honorable member from North Carolina, in opposition to the motion, that the necessity of some amendment of the Constitution, in this respect, was generally admitted, and had been extensively called for by the people. Mr. V. B. understood his colleague not only to deny the fact alleged, as to the state of public opinion, but to contest the propriety of any amendment of the Constitution on the subject of the choice of President and Vice President. It was on those two points he would make a few remarks.

It could not, he thought, be necessary, and might not be proper, to detain the Senate by a minute statement of the various proceedings of Congress, and of the States, on the subject. A very brief reference to them would show that the gentleman from North Carolina was supported by facts in the opinion he had expressed. Mr. V. B. believed that, on examination, it would be found that the first movement on the subject had been made by the State he had the honor, in part, to represent. It was now twenty-two years since the Legislature of New York, shortly after an election, and under circumstances entirely disconnecting the measure with any pending controversy, had, with great unanimity, passed resolutions in favor of an amendment of the Constitution of the United States, requiring the division of the respective States into districts for the choice of Electors, and authorizing their selection immediately by the people. Those resolutions were communicated to Congress, and would be found on the journals of the Senate; since that time the subject had been acted upon, at various periods, and in different forms, as well by Congress as the Legislatures of the different States. Of the proceedings of the latter, those of North Carolina and New Jersey have been most conspicuous. The Legislature of North Carolina passed resolutions, nearly similar to those of New York, and sent them to the different States for concurrence. New York instructed her Senators, and requested her Representatives, to endeavor to obtain the amendment proposed by North Carolina, and many of the States gave similar instructions. At least three times within eleven years, and as late as the year 1822, resolutions, proposing amendments to the Constitution upon the subject of the election of President and Vice President, have passed this body, by more than the Constitutional majority, and there had been few sessions for several years, in which the subject had not been more or less acted upon. Early in the present session resolutions for amendment had been proposed by Senators from Missouri, New Jersey, South Carolina, Massachusetts, and New York.

Their respective propositions had been referred to a committee, combining much of the talent and experience of the Senate, of which his colleague was a member. The subject had been considered with great care, and a plan reported, containing, as the committee thought, the best parts of the resolutions referred to them. In that report, he understood the committee were unanimous, and appearances certainly indicated the adoption of some resolution on the subject at the present session. Such were his impressions, and he thought that such had been the opinions of the members of the Senate generally. In view of the facts he had stated, he could neither repress nor conceal his disappointment in finding the motion for postponement now supported on the ground that no amendment was desired by the people.

Mr. V. B. said that, although the resolution he had proposed had not been wholly adopted by the committee, and notwithstanding he desired material alterations of that reported, still, if he should be unsuccessful in his endeavors to obtain the alteration he wished, he would cheerfully vote for the amendment reported by the committee. He considered it to be far preferable, for all concerned, to the existing provisions of the Constitution. It would be unwise, he thought, to examine the merits of the various plans proposed, before the Senate decided on the present motion. He was unwilling to occupy the time of the Senate in discussions, which might be rendered worse than useless, by the postponement of the subject; but his honorable colleague had taken one view of the question, which rendered a brief reply indispensable. If Mr. V. B. had correctly understood his colleague, he had spoken of the proposed amendment, as an attempt, on the part of the large States, to deprive the smaller States, in the Confederacy, of their equal votes, in the House of Representatives, in the choice of President, on the ground of its being a usurpation which ought to be repressed; and, thus considering the subject, he had enlarged on the circumstances under which this right was conceded to the small States, and had spoken of the great danger to which they were exposed, from the possible combination between the States of Virginia, Pennsylvania, and New York. Mr. V. B. thought it due to his constituents, from their relation to the question in that form, and to himself, also, as having introduced one of the resolutions, to disclaim, for both, any views of the character alluded to. A reference to what had taken place here, ought to dispel the erroneous impression which had been made on the mind of his colleague. The first proposition for the amendment of the Constitution, in this respect, offered at this session, came from Missouri, the youngest, and, except one, or perhaps two, the smallest State in the Confederacy; and the others, from New Jersey, South Carolina, Massachusetts, and New York, in the order in which he had named these States. The propositions from New Jersey and South Carolina yielded the principle of giving to each State an equal vote, on receiving what they regarded as an equivalent. That equivalent consisted in the division of the large States into districts, to which, by the suggestion of the gentleman from South Carolina, was added the proposition, which could not but prove conservative of the interest of all, the removal of the decision from the House of Representatives. The principal difference between the plan he had the honor to propose, and those of which he had last spoken, was, that, instead of providing for the ultimate decision of the question by the House of Representatives, as was done in that of the gentleman from New Jersey, he proposed a second reference to the Electors; and, instead of sending it back as often as might be necessary to a choice, as proposed by the gentleman from South Carolina, Mr. V. B.'s plan compelled a choice on the second ballot by the Electors; a majority of the committee, to which the several propositions had been referred, were from small States, and they had agreed on an amendment, founded on principles of reciprocal concessions for the general good. This was all that the Representatives of the large States had, as he understood them, contended for. They could not, ought not, did not, desire that the small States should surrender any portion of the power and influence now secured to them by the Constitution, unless these States should, themselves, think, that their own condition would be improved, and the general welfare promoted, by their doing so, on receiving concessions, fully equivalent, from the large States. Considerations of such liberal and equitable character had been held out on both sides, and the conflicting interests of the different States, on this point, arising from their unfortunate inequality, had hitherto, to the honor of the Senate, been commented upon without the least acrimony, and under the control of feelings which promised the most auspicious results. Mr. V. B. said that nothing had taken place to change his views or disposition on the subject. He was anxious to continue the discussion, and was willing to lend his feeble efforts to obtain the adoption of some resolution, on the subject, at this session. To this end, he was ready, on the part of his constituents, to make all reasonable sacrifices. If, however, gentlemen thought that the next session would be a more propitious period, and the character of the debate, on this motion, certainly afforded some reason to believe that it might be so, he would bow, respectfully, to the will of the majority. Until, however, that was expressed, he would continue to oppose the postponement.

Mr. DICKERSON, of New Jersey, said: The Convention who formed our Constitution could not have foreseen all the effects of its operation—powers have resulted from it that were not anticipated—the relative strength of the States has undergone a change, which has disturbed the checks and balances of the Constitution. The honorable gentleman from Missouri (Mr. BENTON) has shown the evils of the present system of electing a President, and the necessity of districting the States for that purpose, in the strongest point of view. The election of a President by the people at large would be a preferable mode, if it were practicable; but, whoever will look at the situation of our country, with its different kinds of population; different modes of election; different qualifications of voters, must at once perceive that such an election is utterly impracticable. The choosing of the Presidential Electors, in single districts, is the nearest possible approach to an election by the people at large.

A disproportion has grown out of the relative powers of the great and small States, which the members of the Convention could not have foreseen, and which has given a new character to our system.

In an election by Electors, six great States can control the election; and leave eighteen States without power or influence upon the question. In the House of Representatives, thirteen small States, with forty-five Representatives, can elect a President against the residue of the States, with one hundred and sixty-eight Representatives. Why should the great States be all-powerful in the first case, and the small States in the latter. The gentleman from New York (Mr. King) is willing to put the small States on an equality with the large. Is he so? This is very strange. But it is only on choosing a President in the House of Representatives, which can rarely occur. But, is he willing to give this equality of vote, on the first election of a President, which must occur every four years? No. New York, Pennsylvania, Virginia, North Carolina, Kentucky, and Ohio, have 133 Electors, and can control the election of a President—bare majorities, in each of these States, can control the Union, upon this question. These States are of contiguous territory, and may easily have a community of interest that shall bind them together, at least upon one question. The gentleman from Missouri says, that the power exercised by the Legislatures of the States, to appoint Electors, is a usurpation—that it ought to be relinquished, without any concession of power on the part of the small States. Call this power by what name you please, it is now a permanent power; only to be reached by an amendment of the Constitution. However incorrect the construction of the Constitution might have been, and was, when this power was first assumed, it has been acquiesced in for more than thirty years. To reject the electoral votes thus given, at this time, would be to dissolve the Union. It is too late to oppose the exercise of this power. But the power, on the part of the States, to choose their Electors by general ticket is not denied; and yet its effect is precisely the same: it gives the great States precisely the same power to control the election of a President. So far as regards the citizens of the large States where it may be adopted, it is equally oppressive to the minorities, and less calculated to give a fair expression of the will of the majorities. In the State of New York, for instance, with a population of a million and a half, and a territory of forty-six thousand square miles, thirty-six Electors are to be chosen by general ticket; they must be selected from the different districts of the State—any other arrangement could not succeed. The voters, generally speaking, would not know, even by name, more than one or two of the Electors to be voted for; for all the rest, they must vote upon trust. The voter follows the great man of his town—he the great man of the county—and he some three or four great men of the State; who thus wield the force of a million and a half of people.

If the Legislature choose the Electors, they have the opportunity of knowing whom they choose; they are the agents in whom their constituents confide; they, at least, afford a connecting link of information between the people and the Electors to be chosen.

Will the large States give up this power, without a corresponding concession on the part of the small States? They will not. They are strong, sturdy, and obstinate. They have been urged upon this point for twenty years, but without effect—further efforts are hopeless. What is the power of the small States, which it is the wish of the great States to restrain or modify?

On an election of President, in the House of Representatives, thirty-one members from thirteen small States can control the election. Is this a safe power, even to the small States themselves? Should they exercise their power to the full extent, the first attempt would probably be fatal to their independence. Can they feel a confidence that they would exercise their power with discretion? In the moment of party excitement, when ambition, and all the fierce passions of anger and excitement, have their sway, discretion is lost sight of. The power is a dangerous one—much more dangerous to the small States than to the large. The danger of dissolving our Union would create, comparatively, but little alarm in New York. What has she to fear? She is an empire in herself. But, with New Jersey, the case is altogether different. Without the Constitution, she must cease to be an independent State. Situated between two potent neighbors, of whose disposition to oppress she had sufficient evidence, between the close of the Revolutionary war and the formation of our present Constitution, she would be crushed. On the dissolution of the Union, real property, in New Jersey, would instantly fall fifty per cent. The State is so situated, that a large portion of her commerce must necessarily go through the ports of New York and Pennsylvania. The duties on foreign goods consumed in New Jersey, would be paid in New York and Pennsylvania; and pass into the treasuries of those States. New Jersey would be tributary to them. She would resist, and, probably, make the City of Jersey, Perth Amboy, and Burlington, free ports of entry. This would destroy her whole system of protecting the industry of the State, and would lead to acts of retaliation on the part of those States in which her prosperity would be utterly destroyed. New Jersey has a stronger interest in the Constitution than any other State in the Union.

It is for this reason, that, in that State, there is the strongest disposition to provide for the permanency of the Constitution, by correcting the abuses that have grown up under it—more especially the disproportion of the power of the great and small States in choosing the Chief Magistrate, and the difficulty of such a choice in the House of Representatives.

How the fears of the gentleman from New York have been allayed, within a few weeks, I know not; while the dangers themselves have evidently increased.

The dangers of choosing the President, in 1801, were such as to threaten us with dissolution of our compact. But, the difficulties now to be contended with, in such an election, would be made much greater. Then, there were but two candidates; the first ballot would have resulted in a choice, if some States had not been divided. Now, there must be three candidates. The House of Representatives will be divided between the three; even the Representatives of the States may be divided between the three. The confusion might become inextricable.

Suppose New York were to give 12 votes to A, 11 to B, and 11 to C, would this insure the vote of New York for A? The friends of B and C would say not. Should a plurality or majority govern in such a case? Should the State say what was its vote? or should the House of Representatives prescribe the rule? The case is full of difficulty and danger.

This amendment, Mr. D. said, if it should be agreed to by the requisite number of both Houses of Congress, must be submitted to the several States; and, unless three-fourths of them were in favor of it, it could not be adopted. The large and the small States must all be consulted, and he well knew it would be very difficult to get any amendment adopted. It is said that it will take away the rights of the States. But, unless they agree to it, the proposition can never take effect. Mr. D. thought the present provision of the Constitution, in respect to the election of President, was extremely weak. He was fully convinced that it was the unanimous opinion of the old States, that some alteration ought to take place; they have earnestly looked for it; they ask it at our hands. Both the small and the large States will consent to give up something for the sake of effecting that object. Neither of them would be willing to do it, unless an equivalent was obtained. Mr. D. feared that the present was not the time to act upon these amendments; he thought it would be necessary to test the Constitution, as it now stands, a little longer. It would take a long time to get any amendment through, and it was thought that the present was not a fit time for the discussion, in consequence of the excitement which prevails throughout the country in regard to the ensuing election. The gentleman from New York has changed his mind respecting the propriety of amending the Constitution.

Mr. KING, of New York, rose to explain, in reference to the change of opinion imputed to him by the gentleman from New Jersey. We understood him to say, that, although he had formerly been favorable to some amendment of the Constitution, in regard to the election of President, yet his attention had been most powerfully attracted by a power which had since risen up, which appeared to him so terrific that he hardly dared to contemplate the effects it might produce—he meant the power which members of Congress had assumed, of nominating a President of the United States. It was placing the complete control of the Government in the hands of a party. He firmly believed that the power thus assumed would, if permitted to be exercised, eventually overwhelm the Constitution. It would produce a fearful combination of the large States. The small States, he thought, would not consent to go into caucus; if they did, it would be a suicidal act on their part. He called upon gentlemen to produce the smallest authority, in any part of the Constitution, for these meetings. He considered them as violating the spirit of that instrument. The power of choosing the President is given to the Colleges of Electors—the election, in the first instance, is in their hands; and, to prevent the possibility of combination, they are chosen only about thirty days before their office is to be performed. The election is directed to be made in all the different States on the same day, and the Electors are permitted to make but one attempt at a choice. These provisions of the Constitution were adopted for the express purpose of preventing combinations—an effect which, Mr. B. thought, was greatly to be dreaded from the practice of nomination by Congressional caucuses.

Mr. DICKERSON resumed. He intended no disrespect to the honorable member from New York in imputing to him a change of opinion on this subject. In regard to the caucus which had been spoken of in this discussion, Mr. D. said, he conceived it was neither forbidden nor enjoined by the Constitution. He considered it as a perfectly harmless expression of the opinion of those who attended it. Members of Congress had certainly as good a right, in their individual capacities, to recommend a candidate for the Presidency, as any other men. Similar meetings have been held in every State, every county, and almost every town in the country. The same privilege of recommending candidates is exercised by every printer in the country. Some of them have recommended three or four different candidates within the last six or eight months. No mischief can result from the caucus nomination—it imposes upon nobody; it binds nobody; it will go for what it is worth, and no more—it is the mere exercise of opinion, and that is a right which, whether it respected men or measures, Mr. D. said, he would never relinquish. It is a right guarantied by the Constitution and the laws of the country, and one which will be exercised.

Mr. HOLMES, of Maine, next rose. It is to me, said Mr. H., matter of regret and astonishment, that this debate should have taken such a turn. I had the honor to be, with the gentleman from New York, (Mr. KING,) on the committee to whom these amendments to the Constitution were referred. I had, till then, some doubts whether, at this time, it was proper to act upon them. But I then had the countenance and support of that honorable gentleman. Full well I knew and appreciated his experience and wisdom. As he was one of those who framed that instrument, and knew the views and motives of his associates, I adopted him, in some measure, as my Mentor. The amendment which has been the subject of his animadversion, was agreed on in committee, with great unanimity; and by none with more cordiality and zeal than by that gentleman. But though he has seen fit to change his opinion, I have not. However I may respect him, I cannot consent to be led about in this way. For the reasons which he has deemed proper to offer to the Senate, I, as one, feel mortified and humbled. Never before, except once, and that by the same honorable member, has the election, which now agitates the public, been introduced into our deliberations. This Senate should be, and, until now, thank God, it has been, above popular excitement. And from what source does it come? Who sets the pernicious example? One whose age and experience point him out as a model.

Sir, I assure that honorable gentleman that I have no need of his advice, nor will I submit to the dictation of any Senator here, to direct me in my private or individual conduct. Until I shall be arraigned, as the Constitution prescribes, I shall not condescend to account to any, or all, the members of this Senate, for my acts out of this body, and with which they have no concern.

The first use of the word "caucus" here, in debate, I regret to say, was from that gentleman. He has been pleased to arraign before the Senate certain members of this, and the other House, because they saw fit to meet and recommend a candidate to the people, for President of the United States. And, by this act, he affects to believe that the Constitution has been so violated that he would not amend it at all. Sir, pardon me when I say that this is an idle dream.

He seems to apprehend that the time will come when the President and Heads of Departments will participate in such a convention. Sir, there is no danger of that. When the members of the Executive Department shall combine to appoint a successor for the President, the people will put down the combination. No, sir; when these gentlemen attempt this, it will not be by a public meeting. Secret engines will be put in operation—private agents will be employed, and means will be used which shun the light.

A public meeting has been held to recommend to the people to unite, and keep the election in their own hands. At this, the honorable gentleman takes umbrage and alarm—he condemns this measure of union; and avows his wishes that the election may be made by the House of Representatives. He seems to think, that any meeting, or any exertions of individuals to prevent it, is to defeat the provisions of the Constitution! This, from a representative of the largest State in the Union, is very frank, and very disinterested. Sir, it would be humiliating to give the proper answer to all this—a regard to the dignity of the Senate forbids the just retort. But we may be allowed to say, that, when the Representatives act with open doors, and expose their views and motives to the world, the people's rights are safe, the danger lies in secret combinations, in compacts to divide and distract—in private meetings to prevent public meetings.

It is here that bargains may be made, and management and intrigue be practised with success. I, sir, am proud in the reflection, that we have acted openly and above-board. We have united, as individuals, to recommend a candidate to the people. I hold myself accountable, for this to no member of this Senate, however respectable. For this act, I am responsible only to my conscience, my country, and my God.

It is a source of consolation and confidence, that this course has been sanctioned by constant usage, and the approbation and support of the most distinguished patriots and statesmen. And, in what instance have the rights of the people been infringed, their liberties impaired, or the Constitution violated? Do you perceive it in the prosperity, happiness, and independence, which every where surround you?

Sir, the people of the United States are high-minded, independent, and intelligent Republicans. They understand their own rights, and, I trust, know how to preserve them. If they see cause, they will disregard, and disapprove, our recommendation. When, in my opinion, I need it, I will consent to be advised, and even catechised, by any Senator; and by none sooner than the honorable member from New York. But, of this, I must take the liberty of being my own judge. Upon my individual conduct, beyond these walls, I will not be compelled to submit to any tribunal other than those which I have named. I need not add, I am of age to act for myself.

Mr. LOWRIE, of Pennsylvania, said, it was with a sensation of pain, that he observed the situation in which the Senate was, at this moment, placed. Instead of considering, with calm deliberation, the amendments to the Constitution, submitted by the different members, and especially the one which had received the sanction of the committee of the body, the Senate is involved, by the remarks of the gentleman from New York, (Mr. KING,) in the discussion of the propriety of a Congressional caucus. Sir, said Mr. L., the gentleman has expressed himself, in strong terms, against this measure; and, if he has not alarmed others, he has shown that he is himself alarmed at the results which are likely to follow. But, sir, I for one, will not be forced into a discussion of this measure, on the floor of the Senate. Notwithstanding the great respect I have for the gentleman from New York, so improper do I consider his remarks, that, on this point, I will not even answer him. But, although I choose to be silent, I beg the gentleman to be assured that it is not because I see any thing new or formidable in his remarks, or any thing difficult to answer.

What is the question, said Mr. L., which, at this time is, or ought to be, before the Senate? A motion for indefinite postponement of the various amendments offered to the Constitution of the United States. Five years ago, when I first took my seat here, the gentleman from New Jersey, instructed by the State which he represents, offered an amendment embracing the district system. It passed the Senate by the Constitutional majority. It passed then, and it has passed since, without the aid of my vote. As a Representative from a large State, I never have consented to a system which went to strike out of existence the lines of the States. Such is the effect of the district system that, instead of States, you are to have districts. Sir, I will not consent to a system which would prevent the State of Pennsylvania from speaking, on this question, with her whole strength entire and unbroken, unless the small States will give an equivalent. We have been told of the advantages of the district system; and that there are advantages in it I admit. But these advantages, heretofore, have been asked for by concessions from the large States only. The question has, this session, for the first time, assumed a new form. A proposition is submitted by which the large and the small States can meet on middle ground. I have been anxious to hear this proposition discussed by the Senate. My wish has been that the attention of our constituents should be drawn to it. Should a majority of the Senate be against it, there is still remaining the amendment submitted by the gentleman from South Carolina, (Mr. HAYNE.) With some modification that amendment would be my second choice; both are of grave and solemn import—they require at your hands a full, a calm, and deliberate discussion. Why is the motion for indefinite postponement thrown in the way? Because, it is said, an election of President takes place next Fall, and there is great excitement in the country on that question. Sir, it is admitted by all, that no amendment we can now propose will affect the next election; and, this being the case, what connexion can the present question have with the ensuing election, more than any other subject presented for our deliberation? There is, in reality, no sound reason why we should not proceed. Nothing but the influence of undue excitement could have induced the gentleman from New York to bring the propriety or constitutionality of a Congressional caucus into this debate. No excitement showed itself within these walls, until that gentleman indulged himself in the remarks we have just heard. The perplexed view which the gentleman has given of our political situation, is, in my judgment, no reason why the present question should be arrested. Mr. L. said he would vote against the postponement; but, if other gentlemen thought the next session would be more favorable for a decision of the question, he would acquiesce; but, at the next session, if no other gentleman brought the subject forward, he would then present it to the consideration of the Senate.

Mr. NOBLE, of Indiana, said this debate had certainly assumed a very strange and unexpected course; but, if the object in giving it this direction was to affect the public mind, in relation to the caucus which had been recently held, he trusted that object would be defeated. He had attended that caucus himself—and he certainly should not ask pardon of the gentleman from New York, (Mr. KING,) or of any other member in the Senate, for having done so, further than the rules of respect towards members, and the decorum usually observed in the Senate. The object of the caucus was to produce union; it did not infringe upon the free vote of any citizen of the United States, nor of the State to which he belonged. He adverted to the political operations of the Government previous, and at the day of, Jefferson's nomination. It was by caucus that the power then in the hands of Federalists was dislodged, and, from his youthful days, he said amen! and so he said now. In New York, he said, if he had rightly been informed, some years ago, upon a certain occasion, in electing a Senator from that State to the United States, the election was delayed, and an union formed between the Federalists and Clintonians, in order to suit certain individuals, and to answer individual purposes. What was this but a caucus? No one ever believed that the people of the great State of New York was contaminated by the union of those parties. But, he asked, what had this to do with the propositions to amend the Constitution of the United States now under consideration? It was a departure from the subject, and a firebrand thrown into the House. This central power, to which the member from New York alludes, and his fears that the Constitution would be destroyed, he presumed was intended to produce some effect in New York. He liked consistency in gentlemen who stepped forward to protect the rights of the people—the gentleman himself denied the other day that the people were the constitutional sovereigns in this Government—he contended that the States were the sovereigns, when it was known to all Republicans that the people were the source of all power, and constituted the division of all powers, whether applied to the State Governments or the Federal. Mr. N. said he would not suffer himself to be traduced by any member for having gone into caucus, without defending himself. What was done there, was done openly—it was the mere expression of private sentiment—such a practice was in existence, he believed, in every State—in every county—and in every township in the United States, in relation to the election of all officers, either of the State or Federal Government, and never considered as violating the Constitution of the United States, except by those whose favorites could not prevail, nor yet as constituting "this central power." On this question, Mr. N. said, that he did not expect to be called upon to defend the caucus, the doings of that meeting were public, they were gone out to the people. But pray let the gentleman from New York tell us what has been done on the other side—he meant the anti-caucus—and see whether their proceedings formed any part of this "central power," so dangerous to the liberties of the people. Let him say what part of the Constitution gave this right. Mr. N. said he did not condemn the course, for it was but a caucus to know whether they would go into a caucus, this was but private sentiment, and the only difference between the caucus and anti-caucus is, the former was a private sentiment knew the views and motives of his associates, I adopted him, in some measure, as my Mentor. The amendment which has been the subject of his animadversion, was agreed on in committee, with great unanimity; and by none with more cordiality and zeal than by that gentleman. But though he has seen fit to change his opinion, I have not. However I may respect him, I cannot consent to be led about in this way. For the reasons which he has deemed proper to offer to the Senate, I, as one, feel mortified and humbled. Never before, except once, and that by the same honorable member, has the election, which now agitates the public, been introduced into our deliberations. This Senate should be, and, until now, thank God, it has been, above popular excitement. And from what source does it come? Who sets the pernicious example? One whose age and experience point him out as a model.

Sir, I assure that honorable gentleman that I have no need of his advice, nor will I submit to the dictation of any Senator here, to direct me in my private or individual conduct. Until I shall be arraigned, as the Constitution prescribes, I shall not condescend to account to any, or all, the members of this Senate, for my acts out of this body, and with which they have no concern.

The first use of the word "caucus" here, in debate, I regret to say, was from that gentleman. He has been pleased to arraign before the Senate certain members of this, and the other House, because they saw fit to meet and recommend a candidate to the people, for President of the United States. And, by this act, he affects to believe that the Constitution has been so violated that he would not amend it at all. Sir, pardon me when I say that this is an idle dream.

He seems to apprehend that the time will come when the President and Heads of Departments will participate in such a convention. Sir, there is no danger of that. When the members of the Executive Department shall combine to appoint a successor for the President, the people will put down the combination. No, sir; when these gentlemen attempt this, it will not be by a public meeting. Secret engines will be put in operation—private agents will be employed, and means will be used which shun the light.

A public meeting has been held to recommend to the people to unite, and keep the election in their own hands. At this, the honorable gentleman takes umbrage and alarm—he condemns this measure of union; and avows his wishes that the election may be made by the House of Representatives. He seems to think, that any meeting, or any exertions of individuals to prevent it, is to defeat the provisions of the Constitution! This, from a representative of the largest State in the Union, is very frank, and very disinterested. Sir, it would be humiliating to give the proper answer to all this—a regard to the dignity of the Senate forbids the just retort. But we may be allowed to say, that, when the Representatives act with open doors, and expose their views and motives to the world, the people's rights are safe, the danger lies in secret combinations, in compacts to divide and distract—in private meetings to prevent public meetings.

It is here that bargains may be made, and management and intrigue be practised with success. I, sir, am proud in the reflection, that we have acted openly and above-board. We have united, as individuals, to recommend a candidate to the people. I hold myself accountable, for this to no member of this Senate, however respectable. For this act, I am responsible only to my conscience, my country, and my God.

It is a source of consolation and confidence, that this course has been sanctioned by constant usage, and the approbation and support of the most distinguished patriots and statesmen. And, in what instance have the rights of the people been infringed, their liberties impaired, or the Constitution violated? Do you perceive it in the prosperity, happiness, and independence, which every where surround you?

Sir, the people of the United States are high-minded, independent, and intelligent Republicans. They understand their own rights, and, I trust, know how to preserve them. If they see cause, they will disregard, and disapprove, our recommendation. When, in my opinion, I need it, I will consent to be advised, and even catechised, by any Senator; and by none sooner than the honorable member from New York. But, of this, I must take the liberty of being my own judge. Upon my individual conduct, beyond these walls, I will not be compelled to submit to any tribunal other than those which I have named. I need not add, I am of age to act for myself.

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Mr. KING, of New York, said that, in the few remarks he had made to the Senate, he had intended no disrespect towards any member. He had thought that, in the present situation of the country, this was not the proper time for the consideration of amendments to the Constitution. The subject had interwoven itself into the affairs of his own State, in regard to the Presidential election. He trusted he was not precluded from expressing his opinion on a subject of great importance and notoriety. In considering amendments to the Constitution, he had thought it not improper to mention the exercise of a power which was not authorized by the Constitution. That power was one, the operation of which, he believed, was much to be dreaded; and surely there was no impropriety in alluding to it. If things were doing in the country, which were thought improper, and which had a bearing on the subject under discussion, would the Senate not be influenced by them?

Mr. FINDLAY said that, as this was a most unpleasant discussion, more so than he had ever heard since he had the honor of a seat in the Senate, he would endeavor to terminate it. He moved an adjournment. The motion was carried, and the Senate adjourned until to-morrow.

FRIDAY, March 19.

Mr. LOWRIE presented the memorial of W. Rawle, President of the Pennsylvania Society for promoting the abolition of slavery, praying that provision may be made by law for the total abolition of slavery within the District of Columbia; which was read, and on motion, by Mr. BARBOUR, laid on the table.

Mr. LOWRIE presented the memorial of William Tilghman, President of the Board of Managers of the Pennsylvania Society for the encouragement of American manufactures, requesting that such a system may be digested as will secure to manufactures a portion of that protection which has been extended to commerce and tobacco planting. He also presented the memorial of Tobias Huber, and others, of the city and county of Philadelphia, praying an increase of the duties on imports. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. WARE presented the preamble and resolutions, adopted at a meeting of the citizens of Burke county, in Georgia, remonstrating against the passage of the bill pending in Congress to increase the duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

The bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies, was read the third time, and passed.

The bill for the relief of Noah Smith, of Maine, was read the third time, and passed.

The bill to enable the President to carry into effect the treaty made at Ghent, the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the said United States, to American citizens, and the bill for the relief of Ichabod Lord Skinner, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Commerce and Manufactures, on the petition of Thomas Evans and Thomas Coppuck, and the memorial of William F. Chesley, and others; and, on motion, it was laid on the table.

AMENDMENTS TO THE CONSTITUTION.

The unfinished business of yesterday, being the consideration of the several resolutions proposing amendments to the Constitution, in relation to the election of President and Vice President, was resumed. Mr. LANMAN was called to the chair. The question was, upon Mr. MILLS's motion, to postpone the subject indefinitely.

Mr. HAYNE, of South Carolina, said, that his only object in calling up these resolutions was to obtain some decision on them. The Senate had, for several months, had the subject before them, and it was due no less to the public than to the gentlemen who had submitted the propositions, that they should now be acted on definitively. Mr. HAYNE protested that he had not anticipated the course which the debate had taken, and he most sincerely regretted that certain topics had been introduced into the discussion, which were unfortunately but too well calculated to produce a painful excitement. As these topics, however, had been discussed, it would become his duty, in the course of the observations he was about to make, to notice them. The cause of truth demanded that arguments calculated to influence public opinion, (though founded, as he believed, in error,) should not go forth to the world unanswered. He would, in the first place, however, make a few remarks on the questions properly before the Senate. There are two propositions, said Mr. H. now under consideration. The first is, the proposition reported by the committee to which the honorable gentleman from New Jersey was chairman, which proposes so to amend the Constitution as to divide the whole of the United States into districts, for the choice of Electors for President and Vice President, and on the failure to make a choice at the first ballot, that the election should devolve on the Senate and House of Representatives in joint ballot. The second proposition, now under consideration, is the amendment submitted by the honorable gentleman from Missouri, which differs from the former, in proposing to dispense entirely with Electors, retaining, however, that provision of the Constitution which directs a choice by the House of Representatives, (voting by States,) in the event of a failure of the election by the people. A motion has now been made to postpone these resolutions indefinitely. Mr. H. confessed that, though he was decidedly opposed to both of them, yet, if he had any hope that the Senate would act on them during the present session, so far as to enable the other gentlemen who had submitted propositions, to bring them forward, with any prospect of a favorable hearing and final decision, he would vote against the postponement. He had ascertained, however, that a majority of the Senate did not deem it expedient to adopt any amendment to the Constitution during the present session; and opposed, as he always was, to the unnecessary consumption of time by a fruitless discussion, he should vote for the indefinite postponement. He would avail himself of this opportunity to say a few words in reply to what had fallen from gentlemen on the other side, on the merits of the first proposition—that reported by the committee. But, before he proceeded to do so, he would notice some statements made by the honorable gentleman from New York, which Mr. H. conceived to be erroneous. That gentleman (Mr. VAN BUREN) had said, that the resolution under consideration had been agreed to in committee unanimously. This, Mr. H. said, was a mistake. He had, himself, voted against the resolution, and so had the gentleman from Missouri. The gentleman from New York had also stated, in the course of his argument, that resolutions on this subject had been often reported by committees, and had several times passed the Senate, and he therefore infers that the Senate must be prepared to act upon them now. I am informed, said Mr. H., that one of the features of the proposition, now before us, has never before been introduced into this House, and assuredly has never received, and he trusted never would receive, its deliberate sanction. He alluded to that part of the resolution which proposes to substitute a vote by the joint ballot of the Senate and House of Representatives, for the present mode of voting in the House of Representatives by States. The gentleman from New York had fallen into another error, which he would take the liberty also to correct. He had considered the proposed amendments to the Constitution, as originating in the dissatisfaction of the small States, and he represents the large States as perfectly satisfied with the Constitution as it now stands, but magnanimously disposed to yield to the wishes of the small States, provided they could obtain some reasonable equivalent. This is surely, sir, said Mr. H., a most mistaken view of the subject. One of the propositions, submitted during the present session, came from the gentleman himself, one of the Representatives of the great State of New York, another came from an honorable gentleman from Massachusetts—and, though the gentleman from Missouri comes from a small State, yet he told us, that when he considered her destinies, he brought to the discussion of the subject all the feelings of a Representative from a large State. The gentleman from New York, himself, tells us that almost every member of the House admits that there are defects in the Constitution in respect to the provision for the election of a Chief Magistrate, and that we are all willing to adopt some amendment; he affirms, confidently, that the people in every part of the United States are calling for such an amendment—that they are prepared for, and expect it. These admissions, surely, prove that the proposed amendments have a deeper foundation, that any dissatisfaction on the part of the small States. The truth is, said Mr. H., that not one of the propositions which have been submitted would add a particle to the power of the small States, though he believed that some of them would not impair their strength. Let us, said Mr. H., take higher ground, and be influenced by more generous and liberal views on this subject. Let us look exclusively to the great interests of the nation. Let us consider these propositions in their true character, as coming indiscriminately from large and small States, and having no other object than the welfare of the whole. Mr. H. said, he was willing to admit that the spirit of harmony and mutual concession could alone lead to any desirable results on this subject. It was in that spirit that the Constitution had been framed, and by that alone could its harmonious operation be secured. He should certainly be one of the last to contend that the great principle of compromise, on which the Constitution was founded, and on which the dearest rights, perhaps the existence, of the small States, depended, should ever be forgotten or disregarded. He contended only against jealousies and struggles for political power. Having thus presented the question in what he believed to be its true light, Mr. H. said he would proceed to consider the resolution reported by the committee. On that part of it which proposes to divide the United States into districts for the choice of Electors, he would make but a single remark, as he certainly did not intend on the present motion to enter into a full discussion of the subject. The remark he would make, was, that whatever might be the advantages of the district system, (and he admitted them to be very great,) it certainly lessened the chances of effecting a choice, and indeed would, in most cases, lead to a failure of the election. It surely, said Mr. H., can require no argument to prove that the United States, divided into two parts, each expressing but one opinion, will be less liable to a division of sentiments than when divided into two hundred and sixty such parts. When a State acts as a State, whether the vote be given by the Legislature or by general ticket, there can exist but one opinion—the voice of the State; but the same State, divided into districts, may have as many opinions as there are districts. The merit of the district system, then, depends on the provision by which it may be accompanied, as to the course to be pursued in the event of the failure of the election at the first ballot. He was convinced that this failure would take place under the district system in nine cases out of ten, and, therefore, if it were proposed on such failure to throw the election into the House of Representatives, or into Congress, the substance of the proposition would be to provide for the election of the Chief Magistrate by Congress, and not by the people. If, said Mr. H., the district system was accompanied by a provision, that, on the failure of the election at the first ballot, it should be sent back to the Electors to choose the President from the two highest candidates, then the system would be complete, an election of the people would be secured, and the necessity of any interference on the part of Congress would be taken away. A second ballot by the Electors was the principle, said Mr. H., on which his proposition was founded. It could be ingrafted on the district system, or on any other which did not dispense with Electors. The details of such a system, he was satisfied, could be easily arranged, and he hoped, at some future day, to see it adopted.

But what, said Mr. H., is the substance of the proposition now before us? What will be its practical effect? The people are to pass through the form of voting for a President, in their respective districts, but if no candidate has a majority, (and no one will ever have a majority, except it be in a very extraordinary case,) then the election is to go into Congress—both branches of the Legislature voting by polls, and not by States. I consider, said Mr. H., the whole resolution to contain, substantially, nothing more than a proposition to change the voting in Congress by States to a joint ballot, with the further evil of carrying the election, in almost every instance, into Congress. It results, then, in a proposition to elect the President hereafter by the National Legislature. Now, sir, said Mr. H., I consider such a system as pregnant with dreadful evils. It is true, that it was proposed in the Convention, but mature deliberation led to its abandonment; and when we look into the great commentary on the Constitution, (the Federalist,) we find the weighty reasons stated which induced the Convention to prefer a choice by Electors, to one by Congress.

Can it be necessary, said Mr. H., to point out the evils of choosing a President by the National Legislature? He would state some of them. The occasion and the nature of the question now before the Senate, would not permit him to enlarge. The first objection to the election of a President by the National Legislature, is found in its connecting the Executive with the Legislative department of the Government. It is the theory of our Government, that the several departments should be kept, as far as possible, separate and distinct. If the Legislature shall be authorized to choose the Executive, is it not obvious that they will be rendered mutually dependent on each other? Either the Executive will be rendered the humble tool—the obedient servant of the Legislature—or, what is most to be apprehended, the Legislature will become subservient to the views of the Executive. Judging from the experience of the world, I should say, that a President of the United States, uniformly chosen by the National Legislature, would acquire a most dangerous influence over all their deliberations. With an immense patronage in his hands, a President might be able, by feeding the hopes of greedy expectants, to secure his constant re-election. He would have the means of doing so, and to insure his election would be the motive to exert them. An ambitious aspirant for the Chief Magistracy of this great Republic, might have in his power, by management and intrigue, not only to secure his election, but to mould the Legislature to his will. With so great a prize at stake, no exertions would be wanting to secure it. Promises, threats, intrigue, and corruption, would exhaust their resources, to influence and control the Electoral college. But the higher, as well as the baser motives of human action, would be enlisted in the service. Party spirit, personal and political attachments, would combine to influence the decision of the National Legislature in the choice of a Chief Magistrate. Men, who would rise superior to naked bribery and corruption, would be hurried on by their passions, and even by honorable ambition, to second the views of their favorites. At present Congress is considered as a body who may (in an event not likely to happen) be called upon to elect the President. But if that election was always to be made by Congress—if ambitious men were taught to look to that body, and not to the people, for promotion—who can be so blind as not to perceive that the Hall of Congress would become the arena, where we would witness the most violent and convulsive struggles for power? The very nature of the contest would have a tendency to give to it peculiar energy and bitterness. Such is the character of man, that he is always as much, if not more, devoted to men than to principles. As much as we are accustomed to boast of our exclusive attachment to the latter, principles and men cannot be separated. It is imbodied wisdom that we admire. It is "virtue confessed in human shape," that we love. It is principle speaking in the life and actions of men, that comes home to the "bosoms and business" of us all. It was this view of the subject, the apprehension of the dreadful excitement which would always prevail in electing a President to Congress—the intrigue it would introduce—the corruption to which it would give birth—the convulsive struggles for power—the destructive influence to which it would subject the Legislature of the country—which induced our fathers to lodge the power of electing a President in the hands of the people. They act, it is true, by their delegates, but the Electors must be chosen a very short time before the day of election, and having performed the single act confided to them, they return immediately to the body of the people—thus avoiding all the dangers which might arise from the employment of a pre-existing body of men, for the same purpose. Sir, said Mr. H., I cannot contemplate without anxiety and alarm, the adoption of a principle in our Constitution, which must, in practice, almost invariably give the choice of the President to Congress. I cannot but foresee that, on all future occasions that great transaction is destined to convulse the country. We have this day before our eyes a solemn warning of the fact. When, at future periods, the number of candidates shall be multiplied—when parties shall be formed in every part of this great empire, each anxious for the triumph and zealous in the support of their favorite—when the worst passions of the human heart shall be roused into action—when our affections shall be estranged from our friends, and our hearts embittered against each other—when the whole interval between the different elections shall be employed in dreadful "note of preparation" for the ensuing contest—can Congress (if they are to elect) be free from the contagion? Will the Senate and House of Representatives, amidst the tumult of the political elements, sit, like a Halcyon, on the waves, undisturbed spectators of surrounding horrors? It is greatly to be feared, sir, that their more appropriate emblem, on such an occasion, will be, that dreadful whirlpool of the North, which draws into its fatal vortex every thing which falls within the influence of the eddies by which it is surrounded.

I come now, said Mr. H., to that unpleasant topic which has been unhappily introduced into the discussion. I mean a Congressional Caucus. The honorable gentleman from New York, (Mr. King,) in the course of his remarks in favor of an indefinite postponement of the resolutions, took occasion to mention, incidentally, a "central power," which had grown up at the Seat of Government, and which was destined, hereafter, to control the election of a President. The gentlemen on the other side have thought proper, in reply, to enter into a vindication of a Congressional Caucus for the nomination of a President. If their arguments could be confined to this hall, and were not calculated to have an influence on public opinion, I would not, perhaps, find myself called upon to notice them. But, believing that the subject is one of vast importance, that it touches the vital interests of the country, and may, in its remote consequences, endanger liberty itself, I find myself constrained to attempt an answer to the particular arguments which have been urged. I shall confine myself strictly to a defensive warfare—and shall enter no further into the discussion of the subject than may be necessary to reply to the arguments which have been urged on this floor.

It is contended by the gentleman from New Jersey, (Mr. Dickerson,) and the same argument has been urged by all the gentlemen who have spoken on the subject, that a Congressional caucus for the nomination of a President, is not liable to any of the objections which may be urged against the election of a President by Congress, because the Senators and Representatives, in attending a caucus, act only in their private capacities. This appears to me, said Mr. H., to be a fallacy so obvious, that he was at a loss to conceive how any one could be deceived by it. Sir, if fifty or sixty private individuals should meet in this city and nominate a President, what effect would be produced by it? Would it be an event looked to with anxiety from every part of the country? Would it divide the nation into parties, or challenge the praise or the censure of every freeman in the land? No, sir; it is because the gentlemen who compose such a meeting are members of Congress—it is the authority with which they are clothed, that gives influence and effect to their proceedings. But for this, no such meeting would be held. They meet in their character of members of Congress, or they would not meet at all. It is true, they do not meet to perform a Legislative duty, and the very objection to the proceeding is, that they step beyond the line of their peculiar and appropriate duties, and use the influence attached to their offices for the promotion of an object not within their Congressional powers, and with which the spirit of the Constitution forbids them to interfere. To show, conclusively, that it is the influence attached to the office of a member of Congress which is the foundation of a Congressional caucus, and that it is expressly in their character of members of Congress that gentlemen attend such a meeting, Mr. H. adverted to the fact that none other are invited or suffered to attend. If gentlemen acted only in their private capacities, every American citizen—certainly every inhabitant of this District, would be at liberty to unite with them. Look, too, at the forms of proceeding in such cases; the Hall of Legislation is appropriated to their use; the Speaker's chair is occupied by the Chairman; the officers of the House are stationed at the door to prevent the entrance of any members of Congress, who are called up by States to give their suffrages. After this, tell us not that gentlemen act in their private capacities, and that, as members of Congress, they have no concern in the transaction! Sir, said Mr. H., I deny that a man can put off and put on, at pleasure, the official garb with which he is clothed. A man clothed with Executive authority cannot, as a private citizen, perform Legislative duties; neither can a member of Congress put off his character, and, as a private citizen, interfere with matters which the Constitution has wisely prohibited him from meddling with. I have heard, sir, said Mr. H., of a priest, who, walking to church in his robes of office, received an insult; he threw off his gown, exclaiming, "Lie there, *divinity*, until I punish that rascal;" and having, in his private capacity, inflicted the chastisement, he resumed the character of a clergyman, and proceeded to preach up "charity, and forgiveness of injuries, love to God, and good will towards man." If there be, said Mr. H., any sound distinction, any safe rule by which the private and public acts of an individual can be ascertained, it must be this—that matters, altogether of a private nature belong to the one, while matters of a public nature belong to the other. Bring a Congressional caucus to this test. The choice of a President is a public matter; it is a business provided for by the Constitution; the manner in which it is to be done is prescribed; the members of Congress are prohibited from being Electors, and the Senators can, in no possible event, have any thing to do with it. It cannot be possible, therefore, for members of Congress, as such, to meddle with it. Not being a private matter, if they act on it at all collectively, as a body, and by virtue of their office, it cannot be said that they act in their private capacities. I will proceed, said Mr. H., to give one or two ilustrations of this subject, which I think will remove any doubts which may still rest upon it. Suppose the President and Heads of Departments were to meet together in their private capacities, were to nominate their successors, and were to proclaim such a nomination to the American people. The country would ring with denunciations of the act, the charges of usurpation, tyranny, and corruption, would rise up in every corner of the land, and they would meet the just vengeance of an injured people! And yet, have not the President and Heads of Departments as much a right to act, and to speak, in their private capacities, as any other members of the Government? They are no more prohibited from nominating a President than are the members of Congress; and more danger is to be apprehended from the influence of the latter than the former. Suppose the Judges of the Supreme Court were to step from the bench, put off their robes, and, after public notice, were to proceed, in their private capacities, to nominate a President, and publish that nomination to the world! How would such a proceeding be relished? And yet, the Executive and Judiciary have certainly an equal right with the Legislature to proceed to such a nomination, in their private capacities. Again, suppose the Governors of the several States were to consult and vote on the subject, and announce the result to the world, in order to produce union among the people. What would we think of such a proceeding? But, I will put, said Mr. H., a still stronger case—one perfectly analogous to that under consideration. Suppose a jury appointed to try a cause, civil or criminal. The law prescribes the place, the time, the mode and manner, in which the question is to be officially investigated, and decided. But these jurors think proper to meet together, previous to the trial, in their private capacities, to investigate the merits of the case; they come to a decision and publish the result! Would it be any excuse for such a proceeding to allege, that they did not act as jurors, but in their private capacities? And with what color of reason could such an excuse be made, if it were shown that they were summoned to the meeting as *jurors eo nomine*, that none other were admitted, that they appointed a foreman, passed through all the forms of a trial, and in the name and character of jurors, proclaimed the result. Now, said Mr. H., there is a more striking analogy between that case and the proceeding now under consideration, than gentlemen will be disposed to admit. The House of Representatives may, in one event, be called upon to choose the President. The Constitution has prescribed the time and place, and all the formalities of that proceeding; but, before the occasion occurs, the members of that House meet together in their private capacities, and examine the claims of the candidates, and without the light which further time and a more deliberate examination might afford, to make a choice, and publish the result. It is true, that the proceeding, in both cases, is without legal authority, and is not binding, but it is calculated to produce a dangerous influence, and is, therefore, wholly indefensible. To illustrate the truth that legislators cannot, consistently with the spirit of the Constitution, act in their private capacities on matters which may come before them officially, it may be asked, whether it would be justifiable for a majority of this Senate, as a party, to meet together habitually, in their private capacities, and determine, by a majority, what measures they should, as a body, support or oppose? By such an arrangement, all the guards by which pure and enlightened legislation is secured would be destroyed, and a small minority might sway the Senate. A Congressional caucus is open to the same objection. I confess, sir, said Mr. H., I have serious fears that, should the caucus system be firmly established in this country, it will eventually lead to the total destruction of the rights of the small States, and that the clause in the Constitution, which secures their just weight in the choice of a President, will be virtually repealed. Once recognise the distinction between a man's public and private capacity, in relation to public matters, and what is to restrain a few of the large States from appointing delegates, or instructing their members of Congress to meet in caucus, and determine, by a majority of votes, how these States shall act, and whom they shall support? I shall add nothing further, said Mr. H., in answer to the honorable gentlemen, on this point.

The next argument urged, is, that a Congressional caucus is free from objection, because it does not profess to elect, but only to nominate a President. Now, I would ask whether the design of this nomination is not to procure the election of some individual who would not be elected without it? If such be not the object, and if such were not the results hoped for, no nomination would be made; no caucus would be held. But, if a nomination is to have the effect of promoting a man to the Presidency who would not otherwise be promoted, it virtually amounts to an election; and is it any answer to this argument to say, that it is produced altogether by the authority and influence of members of Congress? Or, is not that the most objectionable means by which an election can be effected? But, sir, said Mr. H., let us bring this question to the test of principle, and see if the practice I am controverting will not directly deprive the people of the right of choosing among the several candidates for the Presidency? If a Congressional caucus be right in principle, as the gentlemen allege, it follows, that the friends of all the candidates ought to attend, and that, the strength of each being ascertained, the strongest should be supported by all, and the others should be withdrawn. Thus, the people will be deprived of the right of choosing, and must, of necessity, take the man recommended to them. Take the case of two candidates only, and such a case has occurred. A caucus decides between them, the other is bound to withdraw; he can, on principle, no longer be a candidate; his friends cannot support him; and, though nine-tenths of the people should prefer him, he cannot, as a man of principle, even consent to serve. Take another case. Suppose there should be five candidates—the five most prominent and popular men in the country. Apply the caucus principle, and it results in presenting but one candidate to the people, and they must take him, or look out at the eleventh hour for a new man, which, under such circumstances, would be impossible. The principle of a Congressional caucus, therefore, leads inevitably, and of necessity, to the destruction of the right of the people to elect the President, and if it does not, in practice, produce that result, it is only because so many of us are such political heretics as to refuse to recognise it; and because the several candidates and their friends will not consent to abide by it. But, let the principles of the gentleman prevail, and the President will, hereafter, be virtually elected by a caucus in Washington, and not by the people. Now, said Mr. H., there is not an objection which applies to the election of a President by the National Legislature, which does not apply much more strongly to a virtual election by a Congressional caucus. Does the former disturb legislation, tinging every legislative act with party views and feelings, so, in a greater degree, does the latter. The letter and spirit of the Constitution is opposed to every species of interference, by the members of Congress, in the election of a President, except in the particular case of a failure by the people to elect. Then, and not till then, are Congress permitted to interfere; and the mode in which they are then to proceed is minutely prescribed. The House of Representatives only are to have any concern in the transaction, and they must vote by States. They are not permitted to elect any candidate according to their own views, feelings, or opinions, but they are compelled to choose one of three candidates previously elected and presented to them by the people. But a Congressional caucus is composed of Senators, as well as members of the House of Representatives, the former of whom are wisely excluded, by the Constitution, from voting on such a subject, because the tenure of their office renders them peculiarly liable to influence. They proceed to nominate the President before the people have proceeded to the election; they choose not from the candidates presented to them by the people, but according to their own pleasure, and are influenced by personal preferences; and, lastly, they make such a nomination, not in the extraordinary case (which may not occur once in a century) provided for in the Constitution, but at every election—once in every four years. Now, when to all this we add that, from the very nature of things, a caucus never will be composed of more than a portion of the members of Congress, so that the vote of an individual will be of such consequence as to justify the extraordinary efforts to obtain it; when it is recollected that a caucus nomination, every four years, will keep the matter constantly before Congress, can any man, who reflects on the subject, fail to see that the triumph and final establishment of the caucus system in Congress, must not only supersede and control the Constitution, but involves the introduction, into the Halls of Congress, of excitement, party feeling, management, and, finally, of intrigue and corruption; at the bare contemplation of which the heart of the patriot must sicken, and his anticipations of future glory be converted into the most gloomy forebodings.

Gentlemen tell us that a caucus is necessary to promote union. Should such a measure ever promote union, it can only be by controlling the will and stifling the voice of the people. But it seems to me, said Mr. H., that, so far from promoting harmony and union, a caucus is calculated to sow the seeds of dissension, and to prevent the possibility of union. To all the difficulties of selecting among men, is superadded the hostility created by the agitation of the caucus question. The degree of support to be yielded, or of opposition to be offered, to such a nomination, will always be a fruitful source of endless contests and animosities.

As a party measure, a caucus may, in some instances, tend to promote union. In such a case, two candidates at least would be presented to the people, for their choice. But, where all the candidates are of the same party, the only effect of a caucus must be to elevate a favorite individual, by putting all the other candidates out of the way, and thus to take the choice from the people, or from the States. If a caucus is to be resorted to at every Presidential election, and Congress is, by a preliminary vote, in joint ballot, to determine who is to be supported as President, it is manifest that the effect will be, to bring the election practically into Congress voting by polls and not by States; and thus the wise provisions of the Constitution will be repealed, without the least regard to the forms prescribed by that instrument. Gentlemen will surely not venture to affirm that union will be promoted by such means.

Much more might be said on this subject, said Mr. H., but he had not only confined himself to the general question, but had merely attempted to reply to the arguments urged on the other side. Of the particular character of the late meeting in Washington, he had said nothing, and alluded to it now only to disclaim any intention to wound the feelings or impeach the motives of any of the gentlemen connected with it. He entertained for them, collectively, much respect, and cherished for several of them, individually, sentiments of great esteem.

[In the course of Mr. H.'s remarks, he was interrupted by Mr. KING, of Alabama, who rose to a point of order. Mr. K. stated that he was not in health to attend the Senate yesterday; and he did not know, precisely, the course which the discussion had then taken. But he considered the present topic as having no relation to the subject before the Senate; and, consequently, the introduction of it as being a violation of the rules of this body. He therefore called the gentleman from South Carolina to order.

The Chair observed, that a wide range had been allowed in the discussion of this subject yesterday; and while it entertained the hope that that discussion would not be extended, was, at the same time, of opinion, that members had a right to be heard, in answer to any arguments which had been brought forward yesterday. The member from South Carolina was declared to be in order.]

Mr. TAYLOR, of Virginia, considered this debate as entirely out of order, and foreign to the subject before the Senate. The question has been discussed, as it were a contest for power, between the large and the small States—as if each was endeavoring to effect the purposes of its own ambition—as if these amendments were so many nefarious designs to satisfy the ambition and avarice of the one or the other. If it be true, that the question is not, whether one State is to pilfer from the other, the great from the small, or the small from the great, still, he asked, what prospect there was of adopting any thing that is salutary under circumstances attended with so much exasperation. Mr. T. said, he had seconded the motion of the gentleman from Massachusetts for postponement—both of us have bantlings of our own upon the table; but we are willing to part with them to give time for mature consideration. Mr. T. said he would take these different propositions home with him and study them carefully. The true question is, whether we will have a confederated, or a consolidated Government. Some are in favor of one, and some of the other. The inquiry ought to be, how far these amendments will go to cure the evils of the Constitution, or to introduce others into it. He meant only to show the propriety of postponing this subject, until it should be thoroughly considered. If the gentlemen will advert to the nature of our Government, they will see enough for observation. It is said to be a great machine; and we are told that the people are a safeguard against any disarrangement in it. When have they proved so? Were the people able to preserve their liberty, in the time of the French Convention? Other gentlemen will tell you, that the people are their own worst enemies. Perhaps, neither of these are perfectly correct. One of the Gods of ancient times, has told us,

"In medio tutissimus ibis."

There should be an intermediate controlling power. The great question to be considered is, whether any amendment of the Constitution will obviate the objections alleged against it. We must not place too much reliance on the word "people." Mr. TAYLOR said, the idea occurred to him, that the Federal Government was an immense machine—that the State governments were the safety-valves, to let off the gas of exclusive interests. While these safety-valves are kept in operation, and this gas is thus discharged, the country will go on well enough. But when they stop, and the gas comes to be concentrated, there is great danger to the whole machine. Mr. T. said he would conclude by telling an anecdote which occurred to his recollection, and which all would probably remember. James the Second once called on two of his Bishops, to know if, in their opinions, he had not a right to take the property of his people as he pleased. Bishop A, (he did not remember their names,) said he certainly had that right—the King was the vicegerent of God; and he had certainly a right to appropriate the property of his subjects as he saw fit—he might employ the men and the money, as he pleased. The King then asked Bishop B, what he thought of the doctrine of his brother Bishop? "Why," says B, "I think the King has a right to take the property of my brother A, because he has given it to him. But I think he has no right to take mine." The basis of liberty is upon this point. When you revert to the geographical distinctions of this country, do you think the people will display the servility of Bishop A? Why is the remark of Bishop B so much praised? Because the true doctrine is, that representation and taxation shall go hand in hand. The King could not take his money, because he did not represent him. This doctrine, Mr. T. applied to the amendments proposed to the Constitution, to test their agreement with the spirit of our representative Government, &c.

Mr. BARBOUR, of Virginia, then rose. He had prepared, he said, to give a silent vote on this question; but, as the unpleasant topic of yesterday had been brought again before the Senate, he felt it his duty to say something upon it. Some circumstances and reflections had been introduced, to which he conceived a reply to be necessary. He intended to place the meeting which had been alluded to, on what he conceived to be defensible ground. His remarks would necessarily be desultory. But, as the question before the Senate was upon the amendments to the Constitution, it was due to the body which he had the honor to address, to make some remarks in reference thereto.

As regards the Constitution of the United States, Mr. B. said, he always approached it with reverence; in the wisdom of its provisions, he saw the great source of the happiness and prosperity of the country. Our ancestors, who emigrated here, brought with them that inextinguishable love of freedom which enabled them to pass, in success, the waste of waters, and in a howling wilderness to lay the foundation of a mighty empire, whose astonishing growth and happiness are ascribable, in great part, to this instrument. But still, deeply as he felt impressed with the sacred character of this instrument, his reverence did not amount to idolatry; he knew it was the work of man; that it was made in the infancy of political science, and before experience in the secrets of self-government had furnished a guide. It was justly entitled to admiration; not that there were no errors in it, but because it had so nearly answered, in practical operation, all the purposes for which it was established. Although it was an object of reverence, it should not be of idolatry; we should leave ourselves open to a conviction of its defects; and it behooves those, whom the people have intrusted to look after their interests, to profit by experience; and, if any error presents itself, to correct and amend it. But, he well recollected the old adage, that people should be contented when they are doing well; lest, in trying to do better, they should only make their condition worse. It is a good maxim in government—particularly in legislation. When he looked round the country, Mr. B. said, he could see no great impending evils to dread. He would not say that he himself had not been disposed, heretofore, to propose amendments to the Constitution. It is the natural disposition of mankind, to think that we can see deeper into affairs than our neighbors; and he once thought so, in regard to the Constitution; perhaps it was vanity in him to think so. The honorable gentleman from New Jersey saw fit to advise the Senate, some days since, that the plan which he, (Mr. BARBOUR) had proposed, had failed. But that plan did not propose a change in the foundation of that compromise, which led to the adoption of the Constitution. If he found it impossible to unite this body, upon that proposition, and if they rejected that amendment, he asked, what prospect there was of obtaining the passage of an amendment, which was going to dislocate the most important parts of the Government, by changing the relative power between the small and large States, in the election of the Chief Magistrate? In his opinion, Mr. B. said, it was unnecessary to consume the time of Congress, when it was quite impossible to come to any result upon this subject. There are now two distinct propositions before the Senate. The one proposes to divide the States into districts; and, when the election is not made in the first instance, it is to be carried to the two Houses of Congress. The other gives the election of President directly to the people—and, in the event of a failure to choose, by the House of Representatives, voting by States. Now, what is the spirit of the Constitution? It is partly Federal and partly National. The influence of the States would be destroyed entirely, as sovereign and independent States, by cutting them up into districts. The great State of New York, (for the sceptre has now departed out of Judah, and we must look up to New York as the greatest State,)—the great State of New York, by this system, would be reduced, in point of influence, to a level with the small State of Delaware. So in a reference of the election immediately to the people, the federative character of the Government would be destroyed entirely. The Government would be entirely national, and not federal. But, Mr. BARBOUR said, he would not, at this time, go into any further consideration of these amendments, as he had, on former occasions, delivered his sentiments fully on the subject. He concurred with his honorable colleague, in the opinion, that it would be better to wait until the evils of the present system became more manifest; and then it would be early enough to suggest amendments. He would not now take notice of the observations which had been heretofore made, upon the different modes of appointing Electors, which had been adopted by the different States. The Constitution gave an undoubted power to the State Legislatures, to determine the manner in which the Electors shall be chosen. Some of the Legislatures retain the right to choose them, in their own hands; some choose by a general ticket; others by districts—according to their sovereign pleasure. He could not see that any mischief had resulted from this practice. He thought it better to take a longer time to develope the provisions of the Constitution, as it now stands, and be sure you see the remedy, as well as the evil, before any change should be made in it. It was not impossible that a change might introduce still greater errors. The gentleman from Massachusetts (Mr. MILLS) has produced an amendment, to restore the Constitution to the situation in which it originally stood, in respect to the election of President and Vice President. This shows that it is doubted, by some, whether the amendment which has already been made has proved beneficial. It may be matter of speculation, whether the difficulties we see, are not rather the result of the infirmities of our nature, than of the Constitution. For these reasons, Mr. B. said, he was in favor of indefinite postponement.

He came now to the topic to which he had first alluded. He must be permitted to mingle his regret with that of the other members, that such a subject had been introduced into this body; not that he had the slightest objection to a critical examination of it. Whatever had been done, in reference to that subject, was not secret, it was done in public; it was done before the people; and their decision will be made upon it. Whatever of malice there was in human nature, had been uttered against the individuals who attended that meeting. He did not regret that the subject had found its way here, because he feared a fair investigation of it, but because, into this body, subjects of that kind ought not to be introduced. It could not have failed to bring forth the expression of feelings which ought not to be indulged here. When that meeting was represented as a great central power, which was about to overwhelm the Constitution, surely those who heard it, and who attended that meeting, could not refrain from replying. If there was any spot on earth, which he considered as consecrated to peace and harmony, it was the Senate of the United States. It should be our political holy of holies—where the brand of discord was never to be thrown—where tranquillity and mature deliberation should acquire the respect of the people. He had considered this body the sheet-anchor of the nation—as presenting a limit to the waves of the other branch, and equally inaccessible to Executive influence—a body, whose character for propriety should never be jeopardized. He believed the nation had indulged a confidence that, whatever storms might rage elsewhere, nothing but coolness and deliberation would preside here. Is this question one that, in its discussion, is calculated to promote the dignity of this body? Is it one that is calculated to enter this Hall? Surely not. And what is the gentleman's apology for introducing the subject? The gentleman from New Jersey charged him with having changed his opinion, in respect to the propriety of amending the Constitution; that, last year, he was in favor of an amendment, and this year opposed to it. The gentleman from New York states as a reason for this change, that a central power, of an alarming character, had since sprang up to his view. The gentleman from South Carolina (Mr. HAYNE) has charged the gentleman from Maryland (Mr. SMITH) with having been first to mention the word "caucus." This, Mr. B. said, he thought was unjust. If the gentleman from New York (Mr. KING) did not make use of the word, nobody could mistake the meaning of his "great central power." The gentleman's description bore the name upon its front.

To an unadvised stranger, who had heard the gentleman from New York, it would seem that a monster of yesterday had sprung up, who was threatening to devastate the country—and yet, Mr. B. asked, was this any new measure? Was it not adopted in 1800, 1804, 1808, 1812, and 1816? Yet it did not then meet the gentleman's attention, or call forth such violent reprehension from him; but, in 1824, it suddenly swells to a great measure, threatening destruction to the Constitution. Whence did the system originate? Mr. B. believed, with the Revolution itself. It was the venerated Samuel Adams, or his father, who first suggested it. It had its origin in the spirit that gave birth to this nation. Wherever freemen are, they will assemble and converse freely about men and measures. And a custom that has produced so much good, cannot itself be very bad. Mr. B. said, he had a witness here at his left, (alluding, probably, to Mr. MACON,) who could tell how necessary such meetings had been found, in the early days of this Government—a gentleman who then stood, as he now stands, the guardian of his native land. Why did he not warn the people against a system which, according to the gentleman from New York, is now, like another unshorn Sampson, about to embrace the pillars of the Constitution, and whelm the splendid fabric in ruins? Surely this is the mere phantom of the gentleman's imagination. What is this Constitution? We have a vast continent, over which it is to operate—a multiplicity of different States. What is the spirit of the Constitution in regard to the election of President? That numbers shall prevail, in the first instance—and, in the contingency of a non-election by the Electors, that the House of Representatives shall choose. Now, is not the first of these provisions mere mockery, unless there can be some inter-communication of sentiment, previous to the election? What is it *we* have done? Venal hirelings of the press, directed, in some instances, by the outcasts of Europe, and upon whose foreheads, if they had their deserts, ought to hang the label "to be let," have accused *us*, whose all is here, and who have been honored with the highest offices in the gift of the people—of conspiring against the liberty of the country and seeking to overthrow the Constitution. Where was the meeting held? In the Chamber of the House of Representatives—in public—in the very face of the people—those people whose rights it is said we met to betray—and the result is well known. Was there any intention to recommend a man who was abhorrent to the people? If the people are united in favor of another man, the recommendation would not weigh a feather. If they were not united, the meeting might have a tendency to produce that effect. Men are apt to attach too much importance to themselves and their acts, when "dressed in a little brief authority;" they are found, however, to be but the merest insects, when acting in opposition to the views of the people. Nothing important can result from such a meeting, unless the candidate selected is a popular man. The simple reason for holding such a meeting is, that the persons who go into it are the representatives of the people—that they best know the sentiments of the people—they, therefore, meet to recommend candidates. If this be not the correct way, what other will you substitute? By private recommendation, and, as a consequence, irresponsible, or to the conflicting presses? Mr. B. said, he was the last man who would lift his voice to curtail the liberty of the press. No, even in the rank luxuriance of its licentiousness, let it be uncurbed. When honestly directed, it is the great source of light and liberty. Its abuse must be tolerated, on that universal law which belongs to human things, that there is no unmixed blessing; but it must not be disguised, that, when prostituted, it scatters any thing but correct information.

We are told, that the President and the Heads of Departments may, with equal propriety, meet, and make a nomination. But they do not come immediately from the people; and they are not going back to the people, as the members of Congress must. They are not so immediately identified with all parts of the community. What we have done, is on record—every man is responsible for his own act. The old adage is, that, by its fruit the tree shall be known. What has been the result of this practice for the last twenty years? Where has been the mischief? Has your Constitution been violated? Is not our happy situation an object of congratulation? Is not every nation which is striving to break the fetters of slavery, looking to us as the landmarks by which they are to be guided? These are the fruits of this system, which has been followed, in relation to the Presidential election, from 1800, up to the present day; which has been sustained by the people; and which has some of the greatest names in the country to support it.

The honorable gentleman from South Carolina says, that the grounds of holding this meeting were, to produce union—but, from the signs of the times, he gathers the belief that it will, on the contrary, produce nothing but discord. Mr. B. said, as he was not a prophet, nor the son of a prophet, he could not tell what the effect of the meeting would be. The wisdom of the people, perhaps, might substitute something else—the people care little about names. We have adopted a plan, by which we proposed to surrender our private feelings, whatever they might be, upon the altar of the public good. I ask gentlemen to propose a substitute for the caucus. Here are five candidates, all good men; there is no union among the people—they are divided into five parties. What is to be the result? The other day we were a band of brothers. What is now the case? In consequence of a difference of opinion, slander is poured out from the press; a thousand pens are employed in the work of defamation; every infirmity is displayed; calumny is spread, upon every side—and it is melancholy, indeed, to reflect that too many are ready to believe the fabrications. This is now but a little spark, but it may spread out till it consumes every thing that is good and valuable. How is the monster to be stifled? Only by making useful sacrifices. A meeting, for that purpose was called—all were invited to attend—the object was to arrive at some union; to close these flood-gates of iniquity. We regretted that our brethren did not all come in with us. Mr. B. said, he arraigned no man's motives—each one must go his own ways. Other counsels might prevail—he dreaded to hear what might be the result of the malignity, which this controversy had excited. He was prepared to unite with the majority. This, that, or the other name, was insignificant to him, compared with the good of the Union. It is said, that it is a fallacy to pretend that we went to that meeting in our private characters. We are told that the President, the Heads of Departments, or any of the people might go there, with equal propriety; and we have been told a humorous anecdote on this point, concerning a priest. To this, Mr. B. answered, that the members of Congress went there, to say to the American people that they believed this, or that, candidate would be most acceptable to the people. A fact only was to be made known. Each man represents the feelings of his own section of the country. James Barbour represents that his constituents are of one opinion; the gentleman from South Carolina, that his are of another. The members attending the meeting are from different sections of the Union—they are the organs of communication. Their meeting is merely for the general concentration of opinion. The gentleman from South Carolina animadverts on the character assumed by the members in the meeting—that of their individual capacity—and asks, why are not other citizens admitted? The answer to this remark is obvious. Other citizens are not in the situation of members of Congress, because they are not presumed, as are the members of Congress, who come from every part of the Union, to know, accurately, the wishes of the great body of the people. It is not the official station that gives weight to an expression of the opinion of members of Congress; but it is the confidence they enjoy among their fellow-citizens that made them members of Congress. This confidence is a part of their character, and is made available in their private capacity.

The honorable gentleman from South Carolina says, he never attended a caucus. This is certainly a little extraordinary for a member of this body. There may be some few individuals here who have not attended such meetings; but when he recollected how common they had been, for the last forty or fifty years, he apprehended there were few who had not taken part in them. When he was very young, Mr. B. said, he recollected to have gone, with his honorable colleague, to the first meeting of this kind which he ever attended. Under authority so respectable, and in such a school, he had first become acquainted with the system; and he had, ever since, continued believing that its results must be beneficial. When he knew that this system was approved by older men; that it had been used effectually in the days of Jefferson, he could hardly believe that the younger members knew all the benefits that had been derived from it. It is too old in this country—opposition to it will not do. Some may be opposed to it, from their private views; others may not think it expedient at this time. There are regular cycles in political events; and, Mr. B. said, he did not doubt but these meetings, by and by, would become popular enough; for, as they have been so heretofore, it will be seen that they are still necessary.

In regard to the anti-caucus, which had been spoken of, he did not wish to become the accuser of any man. He should, therefore, say nothing of it. This whole subject had gone out to the people. It ought not to have been touched here. There has been a fair and open appeal to the people, and the Senate should not have been troubled with it. There we are willing to meet it; not before a few changelings in the country, but before the great mass of the people, who are independent, and who stand clear of prejudices on this subject. If, when these acts are fairly laid open, such a tribunal condemns us, be it so. Mr. B. said, when he embarked on the sea of political life, he well knew that there were shoals in it. Some get their vessels over them safely; while others strike upon them, and sink forever. But he made the declaration in the face of all who heard him, that he had the approbation of what he had done, in his own conscience—that was placed beyond all human control; and, when the plaudits of this world should cease, that approbation would be imperishable; it would enable him to tread the shadowy vale of death, without fear or trembling. Standing on this sure foundation, unseduced by ambition, whose giddy heights he had never essayed, as far as it concerned his personal views, he was above, and he rejoiced in his attitude, every change in political opinion; and if the Government be honestly administered, he cared not by what hands, or to whom were distributed the loaves and fishes.

Mr. Smith, of Maryland, said, he should vote against an indefinite postponement. The State of Maryland, said he, has instructed its Senators to use their best endeavors to obtain such an amendment to the Constitution as will insure a uniform mode of election throughout the United States, of President and Vice President. The district mode is preferred by that State, which meets my concurrence, and I shall vote for any of the resolutions that will be most likely to succeed, and will assure that mode. Having entered yesterday into my reasons on the subject, I will not again trespass on the time of the Senate, by repetition. Indeed, Mr. President, I had no intention of speaking on the subject again, nor should I, but for an observation made by the honorable gentleman from South Carolina, (Mr. Hayne.) He has said, "that I was the first who introduced the word 'caucus' into the discussion." Why this observation? For what purpose? Was it any way necessary or useful to his argument?

Mr. Hayne explained. He certainly meant nothing unkind towards the gentleman. Regret had been expressed that this word had been used;

and he had merely observed, that he believed that it had first been used by the gentleman from Maryland.

Mr. SMITH resumed. Mr. President, I feel perfectly confident that the gentleman entertains no unfriendly feelings towards me personally; but, as the remark had been made, I am unwilling that the discussion of a subject so unprofitable, that I feel mortified at its being introduced, and so little comporting with the dignity of the Senate, should be attributed to me. I regret that the honorable gentleman from New York (Mr. KING) should have deemed it proper to introduce it. It is true that he qualified it by a new name—"central power." However, either my ears deceived me, or I heard him use the word "caucus," and one member opposite took it down; but, whether he did or not, his meaning was perfectly understood; and, if I used it, it was because I wished to give it the known name—I wished to call a spade a spade.

When first introduced I considered it as accidental, and treated it lightly, as I thought it merited. But, sir, the second speech of the introducer, and the elaborate view taken by the honorable gentleman from South Carolina, have given to it form and substance. Effect seems now to be contemplated, and we must meet it as we best can.

I am not surprised at the course taken by the honorable gentleman from South Carolina. He was too young to know the extreme difficulties the Republican party had to encounter, and the dangers it has been exposed to by attempts calculated to create schisms that might have, by dividing, exposed it to great danger; which, in my humble opinion, have been mainly obviated and avoided by the caucus system. Nor am I at all surprised at the opposition to it by the honorable gentleman from New York (Mr. KING.) That gentleman was a leading chief of the Federal party, and he, no doubt, thinks, what I know and believe, that, owing to the caucus system, his party was prostrated, and the Republican party brought into power; by which change, I firmly believe, and every republican does believe, that the nation has greatly benefited. I adhere to that which has rendered such essential service to my country, and the party to which I belong. The bridge which has carried me safe over, I call a good bridge. The caucus system has heretofore been approved. I attended several, was president at one—and consistency of conduct called imperiously on me to attend that lately held, and which has met with the disapprobation of the two gentlemen. It appears, also, to have met with the displeasure of several gentlemen with whom I have served in caucus more than once. Well, sir, they have their reasons, such as are satisfactory to themselves, with which I have nothing to do. That of being conscientiously against it, they cannot offer. There are certainly some who think the system wrong on principle. The gentleman from South Carolina has said so; but their numbers, among politicians, are few. I have not met with many. May we not, without offence, believe that men are much governed by the consideration of whether the caucus will or will not support their favorite candidate? And must we not believe that those who have heretofore attended caucuses, will find it difficult to assign any other reason for absenting themselves from that which they now censure? Indeed, Mr. President, I must think that it had a powerful influence, although, perhaps, unknown to themselves. I mean no reflection on any one; but form my opinion from man as he is constituted.

I will now, Mr. President, take a view of the caucus system as it has operated; and, I trust, I shall be able to show that it has enabled the Republican party to mount into power, and has tended, mainly, to maintain them in it. Upon this theme I act as a party man, and have no hesitation in saying that I wish to keep my party in power; that I believe the caucus system is the most effectual means; and that, when we cease to use it, we shall thereby deprive ourselves of one most powerful instrument. Divide and conquer, is as old as history—keep together, you cannot be subdued.

Mr. President: On the first contested election, between Mr. Adams and Mr. Jefferson, Mr. Adams succeeded by, I believe, a small majority. It was believed that his success was owing to want of a conjoined effort, a concentration of force, on the part of the friends of Mr. Jefferson. A caucus was, in consequence, held in Philadelphia, the object of which was, to make a conjoined effort to concentrate all the strength of the party, and to bind each to the other, that they would use their best exertions to promote the election of Mr. Jefferson. I did not attend, but, I believe, every other member of either House, friendly to Mr. Jefferson, did attend. Who were they? Men certainly as capable of expounding the Constitution as any gentleman now in my hearing; one of them the writer, in part, of the Federalist, (to which we daily refer,) in fact, all of them leaders in the republican ranks, and to whom we are indebted for the change by which the Republican party came into power; those great men are now charged, by the gentleman from New York, with being promoters of a system which, in its consequences, is to destroy the Constitution, and to introduce all the plagues of Egypt. Well, sir, I am not surprised at this charge, for the honorable gentleman was one of those who lost the power. Losers will complain, and we ought not to be surprised that the gentleman is very willing to put down a system by which his party has lost their power; it is natural, and it is as natural for me to wish to continue a system, by which I (as one of the gainers) have succeeded. I have said that I did not attend the first caucus; but, sir, I assured those who did, that I would act with them, and I did, as the people of Maryland know. I used exertions, that I think I should not, if the caucus had not been held. Its decision induced me, and others, in Maryland, to unexampled exertion; much depended on its vote. At that time the State was decidedly in favor of Mr. Adams. It was changed by the exertions made by the republicans, which, I speak with confidence, would not have been made, if no caucus had been held.

A caucus was held at the second election of Mr. Jefferson, at which almost every republican member did attend. It was not then thought a crime; on the contrary, it was deemed meritorious. If I had not attended it, I am sure my constituents, at that time, would have been displeased; no one then talked of a caucus being an assumption of power; I mean no republican. I believe the Federalists did, but it was attributed to the injury the system did to them as a party; we did not think them in earnest; we considered their opposition as arising simply from opposition.

The next caucus selected Mr. Madison, and I never heard that he thought their act other than Constitutional; he had attended the first caucus in Philadelphia, and was a principal leader in it. He accepted the nomination. We all know that he was opposed by Mr. Monroe. A schism was threatened (by that opposition) in the Republican party; it was supported by the Federal party, and never was the Republican party in greater danger. What prevented that great evil? The caucus nomination. No other course could have succeeded. The people rallied around that nomination, and a schism was thereby prevented.

Mr. President: Some (now present) know that a schism in the Republican party had nearly taken place, on the election of the present Chief Magistrate. The opposition to him was strong in numbers and character, and there was every reason to believe that the Republican party would be severed. How was it avoided? The republicans met as brethren of the same family, agreed on Mr. Monroe, and all supported him. He and the Vice President were informed, by letters, signed by me and the secretary of the caucus, of their nomination, to which they replied, by letters, which have been published. Neither showed any reluctance at the mode of nomination; neither objected to a caucus power of nomination; they both seemed well satisfied, and appeared to accept with pleasure. The present President expressed himself, with strong approbation, of the source of nomination. His words are—"Deeply penetrated by this distinguished mark of confidence, emanating from such a source." What source? The caucus.

I have shown that the caucus system has been considered, by our three Republican Presidents, as not only Constitutional, but expedient. They have never said that it was dangerous to the liberties of the country. It has existed for twenty-four years, and the liberties of the people appear just as safe, and rather safer, than some of us thought they were prior to its being adopted.

Now, sir, suppose that all the republicans had met (agreeably to open invitation) like brethren of the same family, as they did on all former occasions, and had agreed (as they might have done) on a candidate, what would have been the consequence? It might have continued the union of the party. And of what mighty consequence is it which of the candidates shall be successful? Either of them will do tolerably well. Congress will take care that neither shall do much harm. I have my preference, I admit; but, had another been selected, I would have supported him; for my object is union in the Republican party. Gentlemen, (many of them my friends,) with whom I have acted through the worst of times, declined to attend; their motives are their own. But what is the effect? A complete disunion of the Republican party, divided into at least four parties; the whole in a state of distraction. Father against son, brother against brother; all in a state of complete confusion; and what for? For a principle? No, sir, there is no principle involved. What then is all this noise about? Why, whether you shall choose A, B, C, or D; and, choose which you will of the candidates, the nation will (if the people choose such Congresses as the three last) move on majestically towards its great destiny. When I look around, I am surprised at the excitement artificially created. Now, Mr. President, the difference between those who attended the caucus, and those who did not, I take to be this: that those who went, were anxious to unite on some one Republican candidate, and support him, be he whom he might, and thus preserve the union of the party; and those who did not attend, were willing to risk all, rather than run the risk of their candidate being in the minority. From this last, I except, of course, the gentleman from South Carolina and the conscientious.

Mr. President: In a Government like ours, where many of our great officers are elected, there must be some mode adopted by which to concentrate the votes of the people. They cannot (scattered as they are,) know the candidates—it is morally impossible: the voters must therefore depend on some person, some public bodies, or on private meetings for information, as to the best character for the office. For instance, "for President." Well, sir, it has been thought, for twenty-four years last past, that the members of Congress, elected by the people, and in whom they had deposited all confidence, was the best source for information. Has that source deceived the people in any one instance? I understand that the Congressional caucus recommended Jefferson, Madison, and Monroe. The people elected them; and experience has shown that the reliance placed by the people in the caucus nomination of all three has turned out perfectly satisfactory, and no injury has resulted therefrom. It is rational to suppose, that the members of Congress have better opportunities of knowing the character and talents of the several candidates, than those who have never seen them, and never acted with them. However, the caucus mode is denounced, and now let us see what is to be substituted, for there will be a substitute. It is in the nature of our Government. It cannot be avoided. Well, sir, one State by an act of its Legislature, nominates its favorite, that is, the favorite of a majority of the body; another Legislature, in their private capacity, nominate their candidate, and forbid their members of Congress, chosen, as they are, by the people, from recommending a candidate. Now, sir, I would ask, how many of that Legislature knew any of the other candidates except the one recommended by them? perhaps three or four, who may have been in Congress. Other States have pursued a similar course, with as little knowledge of the candidates. Each State has its favorite candidate; of him they may know something. But how they can be capable of forming a judgment between him and those who are opposed to him, I know not. Many State Legislatures have undertaken to recommend, whilst they reprobate the caucus nomination. Another mode has been adopted: by convention. I should like to know how the delegates to the convention are chosen: are they by the people? I believe not. A few people meet; their numbers may be ten, fifty, or any other number, and they appoint the delegates; and, thus chosen, they meet in convention, and select their candidates. Now, Mr. President, whether either of those modes is preferable to a caucus, or whether any of them are equal to it, is to be determined. For my part, I thought the old mode was the best, and I have adopted it. I have exercised my own opinion. I have given myself no uneasiness about that of others. And I must think, an interference with the opinion of those who attended the caucus, was wholly irrelevant to the subject-matter before the Senate.

Mr. EATON, of Tennessee, said, he considered this subject of discussion as altogether improper, and thought it ought not to be permitted to remain any longer before the Senate. The Senate has now spent two days in debating the question, whether it is proper for members of Congress to go into caucus. He sincerely believed that such a subject was unbecoming the dignity of the body, and that it would place the members in no very elevated view before the public. His object was to put an end to the discussion. He suggested to the consideration of the Senate, whether it was not better to let it end here. He moved that the resolution be ordered to lie on the table.

The question on Mr. E.'s motion was put, and passed in the negative. The question then recurred on indefinite postponement.

Mr. MACON, of North Carolina, next addressed the Chair. He said that these resolutions had been referred to a select committee; they had been maturely considered and reported upon by that committee; and now, because a certain other subject, not connected with them, had been introduced, no vote was to be taken upon them. What is the question before the Senate? It is upon the indefinite postponement of the resolutions; and not upon their subject-matter. Why should not a fair vote be taken on them? Gentlemen who are not entirely decided on business before the Senate generally vote for a postponement. He thought no proposition to amend the Constitution, that had ever been before the Senate, had so much in favor of it, as the one that had been reported by this committee. It had, first or last, been recommended by almost every one of the States. And now, after all the time that has been spent about it, after one of the propositions had been discussed at full length, they are all to be thrown by. He well knew that men would do, in relation to these things, as they thought right. He considered it an extremely unfortunate circumstance, that a subject which had nothing to do with the real question before the Senate had been introduced, and was about to destroy all chance of considering the amendments to the Constitution.

Mr. M. said, he knew that no amendment could now be made to affect the next election. There must be a concession of opinion somewhere—everybody feels the embarrassments we are laboring under; and yet we are not permitted to go on and discuss the amendments by which these evils might be remedied. This amendment, he thought, would insure an election, without going to the House of Representatives; and he hoped it would not be postponed. It is time enough to postpone them, when we find that we cannot make one that is fit to be adopted. We shall, then, have done our duty to our constituents as faithful men. But now we are about to postpone them at the very threshold. If there ever was a time when the subject could be met gravely, it is the present. What was the condition of the country at the time of the difficulty in the election of Jefferson and Burr? Great anxiety was spread from one end of the country to the other. The House of Representatives was voting thirty times without coming to a decision—the most serious alarm pervaded the country. And yet, with this knowledge before us, we are not willing to make provision against similar occurrences. There was a charge of foreign partiality on each side of the great parties existing at that time. One was accused of fondness for the British; the other, for the French. There is no disposition of that kind now. We have peace, and we have plenty to eat; and, thank Heaven, the tariff bill has not yet passed. Some think that the amendment will produce a consolidation of the Government, and that the State lines will be lost. But almost all the States have agreed to it—almost all of them have called for the districting system. Mr. M. said he did not believe that it would destroy the Constitution. He had heard so much, and so often, of the destruction of the Constitution, that he had almost become an infidel in respect to it. We have stood a sedition law, and an alien law, and there is not much danger but we may get along with any thing else. We have had these amendments regularly brought before us; and now, all at once, because allusions have been made to another subject, we cannot look at the amendments—we have got into a passion, and we must give them up. Nearly all the States have approved the districting system—and how is it to destroy the Constitution? The liberty of this nation does not, nor does that of any other, depend upon paper. It must have a foundation in the hearts of the people. Let a man depend upon himself, and he is free. If he is dependent on another, black or white, he will not be free. Freedom rests upon our dependence or independence. The people had, at first, a great dread of the President and Senate; but that fear has passed away.

We have now more candidates for the Presidency than we have ever had before. How are my people, said Mr. M., to know these men? Why, when I go home, they will ask me whom I think to be the best man; or rather, who will tax them the least? which is the same thing. And, I presume, the same questions are put to other members. I am glad my colleague called for the yeas and nays on this question, for I hope the subject will not be postponed. In regard to caucuses, I have no confessions to make. I have gone into caucus as honestly as I go to church. I do not care how many caucuses, or how few, there are. I care nothing about them. Once, however, I was, about twenty years past, taken in by a caucus, and said I would not attend another. I had intended to have given a history of some, on different sides, but it is decided not to be in order.

How the choice of Electors, by districts, could possibly prevent an election of President, as has been said by the gentleman from South Carolina, I cannot possibly perceive. The number of votes given by the districts would be equal to that now given. I do not understand how it can prevent an election. Every generation has its own notions in politics as well as in religion. Religious and political ideas are constantly changing. The Book of Judges gives a description of these changes, where it speaks of the departure of the people, after the death of Joshua. So we forgot the principles which produced the Revolution. My State, happily, is neither a large nor a small one. It enjoys about an equal population, and does not increase much. What benefit can the present provision of the Constitution be if we get no President by it? I hope the Senate will return to the consideration of the proposed amendments.

On motion of Mr. Van Buren, the Senate then adjourned.

Monday, March 22.

Mr. Johnson, of Kentucky, gave notice, that, to-morrow, he would ask leave to bring in a joint resolution authorizing the President to procure an equestrian portrait of Washington.

Mr. Benton submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency and practicability of extinguishing the Indian title to certain districts of country on the south side of Lake Superior, supposed to contain valuable mines of copper.

Mr. Lowrie presented the preamble and resolutions of the Legislature of Pennsylvania, instructing their Senators, and requesting their Representatives, in Congress, to use their utmost influence to prevent the passage of the bill now before Congress, imposing a prohibitory duty on sales at auction; which were read, and laid on the table.

Mr. Henry Johnson presented the memorial and petition of A. Moore, and others, inhabitants of the county of Alexandria, in the District of Columbia, praying that that part of the District of Columbia included within the limits of said county may be receded to the State of Virginia; which was read, and referred to the Committee on the District of Columbia.

Mr. Lowrie gave notice that he would, to-morrow, ask leave to bring in a bill extending the benefit of copy-rights to authors of paintings or drawings.

AMENDMENTS TO THE CONSTITUTION.

The unfinished business of Friday last, being the consideration of the resolutions proposing amendments to the Constitution, in relation to the election of President and Vice President, was again taken up. The question was upon Mr. Mills's motion to postpone the whole subject indefinitely.

[The Chair, previous to the commencement of the discussion, intimated its intention to restrict the debate to the immediate question upon the indefinite postponement of the resolutions.]

Mr. Dickerson, of New Jersey, said that he was disposed to yield a cheerful obedience to the decision of the Chair, although he had not had the opportunity of replying to some pointed observations of the gentleman from South Carolina, (Mr. Hayne,) which might be easily answered. He regretted that the subject had been introduced, as it was calculated to create much unnecessary excitement. The discussion of it, however, had given him no uneasiness, either as it respected himself, or his friends; and he was perfectly content to let it rest where it was.

I shall, said Mr. D., confine myself to the motion which admits a discussion of the merits of the resolutions to be postponed. And it is with reluctance I again speak upon this question; for I fear that it will be found impossible in the mode now proposed to introduce any amendment to the Constitution of the United States, which shall have the least bearing upon the relative power of the great and small States. Mutual jealousies are easily excited. The interests of the great and small States are easily set in array against each other. Any attempt to promote a plan of mutual concession, a plan upon which the Constitution itself was formed, may be represented as an invasion of the rights of one class of States, and an abandonment of those of the other. At this time, such a Constitution as we now have, could not be formed. It was adopted at a fortunate period. Fortunately for the large States, still more so for the small. For these reasons, I begin to despair of seeing any of the proposed amendments succeed, unless upon a call of a convention of the States, under the fifth article of the Constitution; and, therefore, I was disposed to let the subject rest, at least for the present session. But the gentleman from South Carolina (Mr. Hayne) calls me up to answer for myself. He accuses me of aiming a deadly blow at the rights of the small States, by taking from them powers necessary to their existence. If I have done this, I have forfeited all claim to the confidence of the State which has done me the honor to place me here. The gentleman certainly had no intention of producing an impression of this kind. But it is not the less incumbent on me to repel his observations, which were strong and pointed.

I introduced that part of the resolution to which the gentleman alludes—the election of a President, in the last resort, by a joint ballot of the two Houses of Congress, with great diffidence; without any strong confidence that the plan proposed would be practicable; a plan I would myself abandon, should it not meet the approbation of the small States; and more especially, if it should not meet the approbation of the State to which I have the honor to belong—for, upon this subject, the will of my State is my law. I neither expected, nor wished, that it should receive the decision of the two Houses of Congress this session. I introduced it as a subject worthy of discussion, believing it the only intermediate ground upon which the friends of the great and friends of the small States can ever meet. If some better plan can be suggested, I shall at once adopt it; for, upon this subject, pride of opinion shall have no influence with me.

For more than twenty years, the great dangers of a Presidential election have been felt. Efforts have incessantly been made to afford a remedy. This has never been more apparent than at the commencement of the present session of Congress. A discussion upon this subject has already taken place, in the House of Representatives, and in the Senate no less than six amendments have been proposed to the Constitution, as to the election of a President.

The gentleman from Missouri (Mr. BENTON) has shown, in the strongest colors, the dangers of our present system, and the absolute necessity of districting the States for the purpose of choosing a President, so as to leave me but little to add upon that subject. A bare majority in the Legislatures of six of the large States, having 133 Electors, can completely control the rest of the Union, upon the election of a President, under the present system: that is, a little more than one-fourth of the people of the United States can impose a President upon the residue, amounting to nearly three-fourths. This is an enormous power, growing out of the operation of the Constitution, but which was not foreseen by those who formed that instrument. By this, the small States, containing a large majority of the people of the United States, may be rendered utterly insignificant in the choice of a President. By this, the voice of eighteen, of the twenty-four States, may be completely suppressed. But the gentleman from Virginia (Mr. TAYLOR) says this is one of the great federal features of the Constitution, which ought to be held sacred. Whether it be federal, or whether it be national, it is equally dangerous to the liberties of the people. This enormous power must be dreaded by all but those who wield it. It must be dreaded by all but the influential men in the great States, who may control those States, and through them, the Union.

The small States ask the large to divest themselves of this enormous power, by adopting a system of single districts, for the choice of Electors. The great States refuse to yield up any portion of this power, unless the small States consent to make a corresponding concession on their part.

What is the power of the small States, when the election of a President devolves upon the House of Representatives? Thirty-one Representatives, from thirteen small States, can, by possibility, elect the President, against 182 Representatives: that is, about one-seventh of the Representatives may control the other six-sevenths upon the election of a President. And this is the other great federal feature of the Constitution to which some gentlemen of late appear to be much attached. Under one of these great federal features of the Constitution, the power of the small States may be completely merged in the election by Electors. Under the other, the power of the great States may be as completely merged, in the election of a President, in the House of Representatives. Can any thing be more incongruous, more preposterous, more monstrous? The venerable gentleman from Virginia, who fears the national, but is charmed with the great federal features of our Constitution, compares the operations of our Government to those of the steam engine; and he informs us of a variety of safety valves, by which the steam may pass off, without danger to the machine. I do not perceive the efficacy of those safety valves, in the dangerous operation of choosing a President of the United States. If we continue those two great federal features of our Constitution, without modification, the engine will not bear the force to be applied; the steam will become irresistible; we shall increase the pressure, till we burst the boiler.

The gentleman from New York, (Mr. KING,) who was lately in favor of the resolutions reported by the committee, has become reconciled to the great federal feature of our Constitution, by which the small States may completely control the large, in the election of a President—at which I marvel much. If that gentleman will agree that a bare majority of the Representatives of thirteen small States, consisting of thirty-one members, less than the number of Representatives from his own State, shall have power to choose a President, against the will of one hundred and eighty-two Representatives, will he not give them the power to support the President they may thus choose? The power that can create and appoint, should be the power to uphold and defend. Otherwise, there can be no consistency, permanency, or safety, to the Government. Will that gentleman agree that the supplies necessary for the support of the Government and the Administration, shall be granted by the House of Representatives, voting by States? Will he consent to a rule, that, in case the two Houses of Congress disagree as to the subjects from which our revenues shall be raised, the objects upon which our treasures shall be expended, the case shall be decided by the House of Representatives, voting by States? This might be highly gratifying to the small States, could it be permanent. But it is evident that such a state of things could not exist for a single year. And yet some gentlemen are reconciled to a system by which a minority of the House of

Representatives, as small, by possibility, as thirty-one, out of two hundred and thirteen, and, by probability, as about sixty-six, out of two hundred and thirteen; while not a dollar can be appropriated for the support of such a President, without the concurring votes of majorities in both Houses of Congress. A President elected by a minority, must be overwhelmed by opposition.

The small States, in the House of Representatives, can choose a President against the voice of the large, and an attempt to alter the relative power of the States, in this particular, even with their own consent, for it cannot be otherwise, is considered as a deadly blow at the power of the small States—a power necessary to their existence. Is it necessary to the existence of the small States, that they should possess a power, under any circumstances, to impose a President upon the United States, against the voice of six-sevenths, or even against the voice of a majority of the people? Is it necessary to their existence that they should have more weight in such an election than their federal numbers would give them? The exercise of this extraordinary power of choosing a President, in the House of Representatives, has occurred but once in six and thirty years, and even that afforded no peculiar advantages to the small States. On the contrary, it put in jeopardy their very existence. A combination among six of the large States can completely control the residue of the States upon the election of President by the Electors, and this power may be called into operation every four years, and may be continued without interruption, as long as those States can agree as to their dividends, while the small States can only come in for a casual exercise of their extraordinary power, when the great States disagree among themselves, and which has happened but once since the establishment of our Government. This power, however, which may be casually exercised by the small States, must and will lead to combinations among the large States, to prevent a resort to the House of Representatives; a regard to their own interests imposes upon them the necessity of such combinations; an anomalous case of a necessity on the part of the strong to combine against the weak.

Of what advantage is this power to the small States, which has been exercised but once since the establishment of our Government, and was then considered as a great calamity? There can be none. What advantage can there be in retaining a power which it will be dangerous to exercise? None. Ambitious individuals in the small States may casually derive an importance from their situation, in the exercise of this power, but this can be of no importance to the people of the States to which such individuals may belong.

There is a power, however, vested in the small States, beyond their numerical strength, upon which their existence depends—their equal vote in the Senate of the United States. But this a a power, not to give the small States an undue influence in the choice of a President, not to enable them to impose laws upon the large States, but a preventive power—a power to arrest the progress of laws which might infringe their rights or interests. It is a species of veto, by which the Senators of twelve States, however small the population of those States, can effectually prevent the passing of any law which they may think against their interests. Without this power, the small States must immediately fall a prey to the large. Whether this principle of veto should have been carried further by the Constitution, it is unnecessary now to inquire. Fortunately, there is one point on which this principle of veto rests in a single State—it is for the preservation of that sacred part of our Constitution—the equal vote of the States in the Senate; the only part which is put beyond the reach of alteration. By the 5th article of the Constitution, no State, without its consent, shall be deprived of its equal suffrage in the Senate; and, as no amendment to the Constitution can take place, which will not apply equally to all the States, it is evident that the small States never can lose this right, unless they unanimously consent to it. All the fears, therefore, of the gentleman from Missouri, that the small States, by giving up a portion of power in choosing a President, shall endanger their equal vote in the Senate, are without foundation. While a single principle of the Constitution is left, this right will remain inviolate.

But what is this deadly blow aimed at the power of the small States? Simply a proposition that, if the large States will yield up the power by which they can completely suppress the voice of the small States in the first trial, on a Presidential election, the small States will so far give up their control in the last resort, as to choose a President by a joint vote of the two Houses of Congress; in which they reserve the extra power which the federative principle in our National Legislature gives them. This body—the joint meeting of the two Houses of Congress—would be precisely analogous to the whole body of Electors, if assembled at Washington; the same number, of the same political principles, with the same views and interests, enjoying, in an equal degree, the confidence of their constituents, equally honest, patriotic, intelligent, and trust-worthy. But the gentleman from South Carolina says this would be to choose the President by the National Legislature, which would lead to a dissolution of the Union. And is it true that the fate of the Union would be less safe in the hands of both Houses of Congress than in those of one of its branches? I hope the President may always be chosen by the Electors. I dread a resort to Congress on this subject, under any circumstances; but, if such a resort must be had, it is surely more safe in the hands of both Houses of Congress, than in those of either House singly.

The gentleman from South Carolina seems to think the proposition now offered a perfectly novel one. True, it has never before been presented as an amendment to the Constitution; but it is as old as the Constitution itself. On the 17th July, 1787, it was agreed unanimously, in the Federal Convention, that the President should be elected by the National Legislature; and for a long time this was thought the safer mode, even in the first instance of choosing a President, by this enlightened and patriotic assembly of statesmen, some of whom, at least, entertain no hostility to the power of the small States. It was not then discovered that such an election would endanger the existence of the Union.

The gentleman from South Carolina thinks there would be great danger from the influence of the departments of the Government, and of the Executive, upon the two Houses of Congress, in their choice of a President. But, would not this influence operate as strongly, nay, much more so, upon the House of Representatives, voting as States upon that question, under the present system? The gaining one member of the joint meeting, would be no more than gaining one vote out of two hundred and sixty-one, while the gaining one member in the House of Representatives might be gaining a twenty-fourth part of the whole. When a State has but one Representative, this would be obviously the case, as it would be, when the Representatives of a State should be so divided as that the change of one would give the vote of the State to one candidate or to the other—so that, by possibility, the gaining of thirteen votes might change the fate of a Presidential election; take it from one candidate, and give it to another. In the latter case, the danger would be truly formidable; in the former, it would be no greater than resorting a second time to the Electors.

While the honorable gentleman charges me with aiming a deadly blow at the power of the small States, how stands his own account with those small States? Has he not aimed a deadly blow at their power? By the Constitution, if no one of the Presidential candidates shall receive a majority of the votes of all the Electors, the House of Representatives, voting by States, shall choose the President from the candidates having the highest number of votes, not exceeding three. The moment, therefore, that it is ascertained that no one of the candidates has received the votes of a majority of the Electors, the right is complete in the small States to control the election. It is guarantied to them by one of the great federal features of the Constitution. It is a right precious in the eyes of the ambitious men of the small States; and shall the friends of the small States endeavor to divest them of this casual but highly valued right? The gentleman proposes that, in case of no election by Electors in the first instance, the case shall be sent back to those Electors. He wishes to provide that the election of a President shall, in no event, devolve upon the House of Representatives. He seems to have no other object in view, in his proposition, but to deprive the small States of this power. He is for giving it up without a consideration. He does not even ask any corresponding concession on the part of the great States. Instead of leaving the election to the House of Representatives, when Delaware would have an equal vote with New York, he sends it back to the College of Electors, in which the vote of New York would be to that of Delaware as 12 to 1.

Although I esteem this casual power of the small States, in electing a President in the House of Representatives, of no advantage to them, for one, I would never consent to yield it, without obtaining, at the same time, an equal cession of power on the part of the great States.

These great Federal features of the Constitution have become enormous excrescences, owing their growth to circumstances not foreseen by the members of the Federal Convention; among others, to the unparalleled increase of population in some of the great States, and the admission of eleven new States. These excrescences must be reduced equally and simultaneously. The balance must be more nicely adjusted, or the equilibrium will be forever lost.

Although we cannot expect any final vote on the propositions now under consideration, at this session, we might have a vote upon the amendment of the gentleman from Missouri, proposing to dispense with the agency of Electors. This amendment has been very fully and ably argued on the part of that gentleman, and I would now attempt to answer him; but this would be an unnecessary consumption of time, provided the Senate is now disposed to postpone, indefinitely, all the amendments offered. If the decision should be against the postponement, I shall still have the opportunity of making the observations which I should now offer.

Mr. TAYLOR, of Virginia, said he was opposed to the district system, because it had a tendency to deprive all the States, great and small, of a portion of their power, and because it interfered with the separate character of the States, as independent sovereignties. He illustrated this view of the subject by several remarks, and then proceeded to state that he concurred in the opinion that had been expressed in debate, that the district system was calculated to bring the election of President into the House of Representatives. Mr. T. fully concurred in the views of the gentleman from South Carolina, (Mr. HAYNE,) that great evils would arise from the constant interference of Congress in the Presidential election, and that any amendment to the Constitution would be very objectionable which would have the effect of making that interference more frequent. He said it had been a great object with him for many years to effect some amendment to the Constitution, which might secure the election of the President, without troubling Congress with it. He might not live to see that desirable object accomplished, but he hoped the gentleman from South Carolina would.

As to the question of a Congressional caucus for the nomination of candidates for the Presidency, Mr. T. said, he never had any doubt that such a nomination was a clear violation of the spirit of the Constitution. On that subject, he believed, his sentimenis were in print. It appeared to him preposterous for gentlemen to contend that, in making such a nomination, they acted in their private capacities. Mr. T. here entered into some arguments to prove that members of Congress could not meet at the Seat of Government and nominate a candidate for the Presidency, without making it a public business. The people would so regard it, and it would produce the same effect as if the nomination was made by members in their legislative capacities.

His honorable friend and colleague (Mr. BARBOUR) had stated that he (Mr. TAYLOR) had been his instructor in respect to caucusing, and that he had introduced him into the first caucus he ever attended. His colleague, if he had received any instructions from him on the subject, had certainly profited greatly by them. He had been a very apt scholar in his lessons, and had far outstripped his master. But his colleague was greatly mistaken. He had never attended a caucus, either in Congress or elsewhere, for the purpose of nominating candidates for offices. Such proceedings he considered very dangerous, and altogether unconstitutional.

The meeting to which the gentleman had alluded was held by some of the members of the Virginia Legislature, for the single purpose of preparing resolutions to be proposed in the Legislature. Mr. T. said he did not agree with the gentlemen on the other side, that informal meetings for preparing bills or resolutions to be proposed to legislative bodies had any resemblance to a Congressional caucus, intended to transfer from the States their Constitutional check and influence in the election of a President to Congress. It had been said, indeed, that a Congressional caucus acted only in their private characters. To illustrate this assertion: we have all heard of what is called a bull dance. Suppose sixty or seventy of the gravest and most respectable private citizens should assemble and entertain the spectators with jigs, rigadoons, and hornpipes, would not their private characters be estimated in contemplating the exhibition? But, if the same number of members of Congress should assemble and exhibit a similar scene, would not their public characters be also estimated? So, when assembled for nominating a President, it is their public characters, and those only, which are intended to influence the election; and such an influence destroys that of the States, bestowed by the Constitution for self-preservation, by transferring to Congress a power conferred on the States. Their characters will follow them into a caucus, either for the purpose of a bull dance, or for nominating a President.

Mr. T. said that he had not previously mentioned the word *caucus* in this debate, nor should he have now done so, had he not been personally called upon; but that, if the resolutions for amending the Constitution should be taken up, it would be necessary to consider that subject, as having a tendency towards that consolidated and concentrated form of government towards which we were verging with awful rapidity. At this juncture, its thorough examination would produce an excitement inconsistent with a discreet consideration of the amendments; and therefore he concurred in the proposed postponement.

Mr. MILLS stated the views which induced him to move for the indefinite postponement of this subject. He had believed that it was quite impossible to act upon these resolutions at the present session; that the public sentiment was not yet prepared for any amendment on this subject, and that a sufficient number of the Senate, to carry any one of these amendments, could not be induced to vote for any amendment. He thought the present was not the best time for the consideration of the subject, and that there were so many and so various propositions, that no one of them would be adopted at present.

Mr. KELLY, of Alabama, next took the floor, and began with observing that he would endeavor, so far as it was practicable, to withdraw the subject under debate from the fog with which it had been enveloped, and to conform to the rule of debate prescribed by the Chair. He remarked, that the whole discussion on this caucus question, had arisen from a want of forbearance on the part of the gentlemen who had advocated that measure. The gentleman from New York (Mr. KING) had been charged with a change of opinion on the subject of the Constitutional amendments, and had risen in his defence, and justified his disposition to delay acting on the subject at this crisis, on account of the central power which now presumed to select candidates for the Presidency and Vice Presidency of the United States. Whether he actually used the cabalistic and portentous word, *caucus*, or not, I hold it, said Mr. K., immaterial. He certainly spoke of a central power, that had arisen in this Government, not known to the Constitution, and unfriendly to the liberties of the nation; and whether he called it a caucus or not, he certainly did, said Mr. K., assure the gentlemen that he had no unfriendly feelings towards any person who differed from him in opinion. Now, said Mr. K., this remark was received with the most extraordinary sensitiveness on the part of these gentlemen; they had, with an ultra chivalrous *esprit du corps*, immediately rushed into a contest on the caucus question, and had entered into arguments in support of that measure. Mr. K. repeated, that a very small portion of forbearance, in that stage of the debate, would have prevented the discussion altogether; but, as gentlemen had thought proper to assume a different course, it had certainly become necessary that their remarks should be answered and their arguments refuted. This had been done by the gentleman from South Carolina, in respect to the arguments which were urged on the other side, before he addressed the Senate. But other arguments had still been advanced, and to these, Mr. K. said, he would now proceed to reply. Waiving, for the present, the Constitutional question, he would notice the argument of the necessity of a caucus, as a party measure. Now, without arguing how far a caucus could be justified on that ground, he would say that such a measure could certainly not be justified as a party measure, where only a small minority could be got to unite in it. He had always understood that the very first principle of the Republican party, to which he belonged, was, that a majority only could act or speak for the party, and this, indeed, seemed to be a sacred principle, that could in no case be disregarded. But the gentlemen of the present day have conquered the difficulty that embarrassed Archimedes: when he stood a solitary Colossus on the vortex of mechanical science, he exclaimed, "Give me a place to stand, and I'll move the world." Gentlemen have stricken from this sentence the "*dos pou sto*," and the article "*kai*," and retain only the "*ton kosmon kinezo*." They now propose to raise the world without a fulcrum—here Mr. K. was called to order by the Chair. The President said that, in his opinion, the debate had, on the former days, assumed a much wider range than the strict rules of order would authorize; he himself was not then in the chair; and that he conceived it to be his duty, at this point, to confine the discussion to the precise question before the Senate. Mr. Kelly said, it was his intention to have replied to some of the opinions heretofore expressed in debate, in favor of the meeting alluded to; but, as the Chair had decided that it was not in order to do so, he should submit to the decision, and take his seat.

Mr. Barbour, who was in the chair when the discussion alluded to commenced, felt it his duty to explain the reasons which had induced him to allow a wider latitude to that debate than had been indicated to be proper, by the Chair, at this time. It was in consequence of his peculiar situation, in connexion with that meeting, that he had refrained from calling gentlemen to order, who had introduced its discussion. He considered that it was better that the liberty of debate should be sometimes abused, than that it should be curtailed—the more especially, as every gentleman stood answerable before the country for any remarks he might make in this Senate.

After the lapse of a few minutes, and after another gentleman had risen to speak, the Vice President observed, that the gentleman from Alabama was entitled to the floor, if he chose to progress.

Mr. Kelly then rose, and observed, that he understood himself to have been deprived of the floor by the decision of the Chair. To which the Vice President replied, that the merits of the question before the Senate might be discussed, and that the gentleman might progress. Mr. Kelly then observed, that he would not attempt to evade the decision of the Chair, and that if he could not be permitted to reply to political doctrines preached here for home consumption, he had no wish to speak.

Mr. Branch, of North Carolina, asked the indulgence of the Senate for the purpose of submitting, for their consideration, a few thoughts in relation to the important subject-matter under discussion. He said it was due to the State he had the honor in part to represent, for him to support the amendment to the Constitution, which proposes to establish an uniform mode for the appointment of Electors of President and Vice President, and to himself, to oppose the indefinite postponement of the various propositions now pending. With the sentiment of the Legislature of the State, he most heartily concurred.

In entering on the subject, he said that he should endeavor to conform to the decision of the Chair, and that he would not intentionally bring into discussion matter foreign from the true question before the Senate—for he firmly believed that the decision of the presiding officer was correct, and ought to be enforced.

It would become necessary for him, however, to animadvert on the Constitution as it as present, and to call the attention of the Senate to the pernicious practices which had obtained and grown up under it, which threatened, ultimately, to subvert the liberties of the people. It was the duty of an able surgeon to probe the wound to the bottom, that he might be the better enabled to devise and apply an effective remedy.

It would not be denied, he said, that it was the intention of the Convention which framed the Constitution to give to the people the election of their Chief Magistrate. But what have we been told by my highly esteemed friend and colleague, (Mr. Macon,) who is certainly high authority? Why, that the President had, since the days of General Washington, *been always elected by Congress.*

This, said Mr. B., is the most alarming declaration, and surely it becomes necessary that something should be done to prevent that from taking place in future. The Constitution provides, that the President shall be elected by the people, through their Electors; but we find that a plan has been found out, setting aside this provision—the President is to be chosen, and the people are called upon only to conform to the will of their rulers. Now, if these unconstitutional proceedings are to be continued, and the President hereafter is to be chosen by *Congress acting in caucus*, it is manifest that the Constitution will not only be practically altered, but that a door will be opened to the greatest abuses and corruption. We will soon find that the President will be chosen only by means of intrigue and management with the members of Congress.

Is not the mischief, therefore, abundantly evident? Either make some alteration, so as to give *efficiency* to the vote of the people, or let them no longer be deluded with the fallacious idea that they exercise the power themselves. It is not worth while to disguise the fact from ourselves. We all see it. Indeed, it must be manifest to the most superficial observer, that the different departments of the Government, instead of acting as checks on each other, are naturally drawn to play into each other's hands; particularly the Executive and Congress. The gentleman from New Jersey, (Mr. Dickerson,) to whom I have listened with much pleasure, has failed to assign any reason why it is unsafe to return the election to the Electors. I must therefore presume, said Mr. B., that none exists.

Let us, then, said Mr. B., throw off this usurped authority, and return to the people the rights of which they have been wrongfully shorn. From whence do the members of Congress derive the power to elect the President of the United States? I hazard nothing, said Mr. B., in saying that the power is not to be found in the Constitution, and that it is, consequently, an encroachment upon the sovereignty of the people: the more alarming, inasmuch as it is exercised in the corrupt atmosphere of Executive patronage and influence. Make me President, and I will make you a Minister, a Secretary, or, at all events, I will provide you with a good berth, suited to your wants, if not to your capacity. And thus we shall barter away the rights and privileges of the people, at the expense of the best interests of the country, and the charter of our liberties. The mischief is abundantly manifest. Let us not, then, turn a deaf ear to the admonitions of duty, and the voice of an enlightened community, but rather let us have the magnanimity to return—to leave the things which belong to the Constitution, even though, in doing so, we part with some of our influence. The President and Congress were intended, by the wise framers of our Constitution, to act as checks, each upon the other; but, by the system at present practised, they lose the benefit of this salutary provision. For, as has been observed by my honorable colleague, the Congress have always made the President, and will continue to do it. Yes, sir, the voice of that orthodox and experienced statesman has said so, and I have no reason to doubt the correctness of his assertion.

It ought not to be said, observed Mr. B., that we are incapable of acting on this important subject calmly and dispassionately. Our present session is comparatively unlimited—it is, in truth, the long session—our table is not burdened with important business; we sit but two or three hours in the day, and but five days out of the week; this objection cannot, therefore, be sustained. And as to the Senate of the United States, composed of gentlemen advanced in years, possessing a character, and justly, too, for their discretion and intelligence, being hurried away by passion or excitement, I cannot, said Mr. B., believe it for a moment. We are all convinced that no alteration can be made in time to affect the approaching Presidential election. Hence, whatever excitement may be felt, it will not be of a pernicious character, but will rather tend to elicit the best and most effectual remedy. If we suffer the present propitious moment to pass by, what may we expect? Why, sir, that the nation will again fall into a state of apathy, and that nothing will be done until the people are again called on to elect another Chief Magistrate, when we shall have to deprecate the recurrence of all the mischief at present complained of, and which threatens such alarming consequences to the peace and security of society.

Mr. HAYNE, of South Carolina, rose, in reply to Mr. DICKERSON, and said, that he should certainly have availed himself of the present occasion to reply to the additional argument urged on the other side on the now forbidden topic, but the decision of the President (to which he was disposed to bow with reverence) would induce him to confine his remarks strictly to the Constitutional question. On that subject it was necessary he should say a few words in reply to the honorable gentleman from New Jersey. That gentleman had treated the subject as if the question was, whether the President should, on all occasions hereafter, be elected by the House of Representatives, voting by States, or by the joint ballot of the Senate and House of Representatives; and he had endeavored to show that the latter was the preferable mode. If that, said Mr. H., be admitted to be the question, he would have no hesitation in adhering to the vote by States—because, the Constitution having made that provision in favor of the small States, he could perceive no reason or propriety in calling on them to surrender the privilege merely for the purpose of increasing the power of the large States. Power was of more importance to the former than it could be to the latter, and where the Constitution had confided it, he presumed it ought not to be surrendered except for the purpose of obtaining some essential benefit either to themselves or to the country at large. But the gentleman informs us that the election of the President by the National Legislature cannot be objectionable, because the journals of the Convention prove that the great men who framed the Constitution did, at one stage of their deliberations, actually agree to that mode of appointment; though they afterwards changed their opinion, and thus (contrary to the usual authority of precedents) a final decision against a measure is considered by the gentleman as an argument in its favor. It is true, said Mr. H., that it was proposed in the Convention to elect the President by the National Legislature, and this proposition was at first agreed to; but the evils of that system soon began to be understood; it lost friends almost daily; and, after the mature deliberation of several months, the plan was finally abandoned—only two States voting for it. A short time afterwards, the Constitution, in its present form, providing for the election of a President by Electors, was unanimously adopted. If this plan had been hastily adopted, and without comparing it with others, it might be supposed that it had not received the deliberate sanction of the Convention. But, when it appears that, during a period of several months, the wisest assembly that ever met in council were deliberating on the question, whether an election by the National Legislature or by Electors was to be preferred; when it is found that all their doubts were finally removed, and that they became thoroughly convinced there was great danger to be apprehended from permitting Congress to interfere in the choice of the President, their final adoption of the Electoral system, under such circumstances, was a triumphant authority against an election by the National Legislature. The gentleman from New Jersey, relying on his precedent, has not attempted to answer the argument which Mr. H. had urged against his proposition. He had not ventured to deny that the district system, in itself, had a tendency to produce a failure of the election, and to bring it into Congress. Taking this, then, as admitted, the gentleman from New Jersey had very naturally considered himself as called upon, in defence of his propositions, to prove that the election of the President by Congress would be free from objection. But, said Mr. H., has he succeeded in doing this? Mr. H. had, on a former occasion, contended that the interference of the members of Congress in the Presidential election, whether they voted by States or by polls—whether they voted in their legislative or any other capacity, must always be attended with great danger to the liberties of the country; that it would be destructive of the purity of legislation, confound the separate departments of the Government, expose to temptation, to intrigue, and finally to corruption, the representatives of the people; and that it was against these evils the Constitution was intended to guard. None of these arguments has the gentleman answered; but he turns from the subject, and alleges that my proposition (said Mr. H.) aims as fatal a blow at the rights of the small States as his own, and triumphantly asks, "if I am prepared to surrender any power of the small States without an equivalent, without a price, and adds, that he is not willing to do so." Now, said Mr. H., the proposition I have submitted, has for its object to effect the election of the President by the people, and to keep it entirely out of the hands of Congress. If this involved the surrender of the contingent power of the small States to elect the President by States, in the event of the failure of the election by the people, that surrender was founded on the belief that, to elect the President by the people, was to carry into effect the true intention of the Constitution, and to avoid evils of very great magnitude, which must result from an election by Congress.

Mr. **HAYNE** said he was satisfied that the small States, from their devotion to the Union, would be unwilling to give up the contingent power alluded to, provided a plan could be devised by which the choice of the President, by the Electors, could be secured; and they would do this "without any equivalent," except that which would be derived from promoting the permanent prosperity and glory of the country. He was persuaded that the patriotic State he had the honor in part to represent would prefer that the President should, in all cases, be chosen by the Electors, than that he should be chosen by the House of Representatives, voting even by States. To keep that election from Congress, (an election which, with its attendant circumstances, could not but disturb the harmony and impair the purity of that body,) the small States would, he was confident, be found willing to unite in an amendment of the Constitution. But, if the course of legislation was to be disturbed, and Congress are to elect the President, the small States never would, and never ought to, consent to change the mode of voting. They would, from their devotion to liberty, make a sacrifice of a portion of their power on the altar of their country; but they would never make it merely to add to the power of others. The difference, then, said Mr. H., between the gentleman from New Jersey and himself consisted in this—the gentleman was willing to surrender the power of voting for a President by States, and was disposed to accept in lieu of it a joint ballot of the Senate and House of Representatives; while Mr. H., on the other hand, was unwilling to make that surrender, unless the choice of the President by the people could be secured, without any possible interference by Congress. Mr. H. said he was satisfied that the State he represented, and the small States generally, would never be tempted to wish that the election of a President should fail, even though their influence in the election might thereby be increased. This was the principle on which he was prepared to act. It did not appear to him to be impracticable so to amend the Constitution as to secure an election by the Electors. In the event of a failure at the first ballot, let them be required to make a second attempt, under such circumstances as will secure an election. He saw no insuperable difficulty in arranging the details of such a plan. But, if the gentleman could show that the plan was wholly impracticable, and the election cannot, by any means, be kept out of Congress, then, Mr. H. said, he would be compelled to come to the conclusion, that the Constitution must remain as it is, until further experience shall suggest a remedy for the evils we are destined to suffer. One thing he considered certain, that the small States never would consent to change the present mode of election in the House of Representatives for any other in which Congress should have any concern, however they might be disposed to unite in any plan which would effect the choice of the Chief Magistrate by the unbiassed suffrages of the people.

Mr. **DICKERSON** replied, that he had not misunderstood the gentleman. He had not supposed his argument in favor of an election of a President by the House of Representatives, but exactly the reverse. When, however, the operations of the resolutions reported, are considered, it ought to be with reference to the Constitution as it now stands. Is it more safe to trust the two Houses of Congress, voting by joint ballot, with the election of President, or to trust the House of Representatives alone, voting by States? The proposition of the gentleman, to send the election back to the Electors, after their first ballot shall have failed, is subject to insuperable objections, as may be shown when this point shall be considered. One decisive objection is, that no good could result from sending the question back to the men who had made up and expressed their minds upon the subject; who had decided, and, by their decision, precluded all reasonable hope of coming, by fair means, to a choice, by the requisite majority. But, if there were no objections of this character against this proposition, it would still be as much an abandonment of the rights of the small States, as a choice by the two Houses of Congress in the last resort; and much more so than is contemplated by the resolution reported, as that requires an equal concession of power on the part of the great States. Yet no suspicion can be entertained that the honorable gentleman has any unfriendly feelings towards the small States.

He considers the election of a President in the House of Representatives, under any circumstances, as an enormous evil, which he would remedy by making a sacrifice greater, perhaps, than may be found necessary, and certainly too great, if it is to be at the expense of the small States exclusively.

Mr. MACON rose in explanation of the allusion made by his honorable colleague to his remark, that the President had always been, with the exception of General Washington, elected by Congress. He repeated the observation, with a firm conviction of its correctness, that this had been the case, and, in his opinion, it always would be the case. If the members of Congress did not act in caucus, they would influence the people in some other way. The people were always writing to the members to get their opinion upon the different candidates, and their opinions would have great effect. Mr. M. said he was willing to alter the Constitution, but Congress, said he, will elect the President, be the Constitution what it may.

The question was then put, on postponing the whole subject indefinitely, and decided in the affirmative—yeas 30, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Brown, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Mississippi, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Mills, Palmer, Parrott, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Van Dyke, and Williams.

NAYS—Messrs. Benton, Branch, Dickerson, Elliott, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, Smith, Thomas, Van Buren, and Ware.

So it was resolved that the said resolution be indefinitely postponed.

TUESDAY, March 23.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to whom was referred the memorial of William Duane, made a report, accompanied by a bill for the relief of Colonel William Duane; which were read, and the bill passed to a second reading.

Mr. HENRY JOHNSON submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the Secretary of Treasury to cause the swamp lands in the State of Louisiana, belonging to the inhabitants of the parishes of Attakapas, Opelousas, and Avoyelles, to be surveyed, and separated from the public domains and private claims.

Mr. LOWRIE asked and obtained leave to bring in a bill extending the benefit of copy-rights to the authors of paintings or drawings; which was read, and passed to a second reading.

In pursuance of notice given yesterday, Mr. JOHNSON, of Kentucky, asked leave to introduce a joint resolution, to authorize the President of the United States to purchase of Rembrandt Peale an equestrian portrait of WASHINGTON; provided the same can be obtained for a sum not to exceed $5,000. Leave was accordingly granted. The resolution was read, and passed to a second reading.

Mr. BROWN presented the resolution of the General Assembly of the State of Ohio, expressing, as their opinion, that further and more effectual measures should be adopted by Congress for the promotion and protection of American manufactures; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BROWN presented the resolution of the General Assembly of the State of Ohio, requesting their Senators and Representatives in Congress to use their exertions to procure the passage of a law authorizing them to select and locate certain portions of the public lands within the State, for the use of schools, in conformity to the compact between that State and the United States; which was read, and referred to the Committee on Public Lands.

Mr. BROWN presented the resolutions of the General Assembly of the State of Ohio, recommending to Congress the consideration of a system providing for the gradual emancipation of persons of color, held in servitude in the United States; which were read, and ordered to lie on the table.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Sarah Chitwood;" and it was postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the terms of holding the district court of the United States for the District of Illinois," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to a second reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" and it was ordered to lie on the table.

Mr. HOLMES, of Maine, presented the petition of Isaac Russell, praying a pension; which was read, and referrred to the Committee on Pensions.

The Senate proceeded to consider, as in Committee of the Whole, the bill in addition to an act, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill in addition to the act relative to the election of a President and Vice President of the United States; and, on motion, it was postponed to Tuesday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill declaring the consent of Congress to the revocation of certain parts of the ordinances therein mentioned; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for enclosing the burial ground of Christ Church parish; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill further to amend the judicial system of the United States, and providing for the holding of circuit courts; and, on motion, it was ordered to lie on the table.

The resolution submitted yesterday, by Mr. BENTON, directing the Committee on Indian Affairs to inquire into the expediency of extinguishing the Indian title to lands on the south side of Lake Superior, supposed to contain valuable copper mines, was again read, and agreed to.

The bill to "abolish imprisonment for debt," was again taken up for consideration. Mr. VAN DYKE opposed an amendment in the fourth section of the bill, providing that the creditor shall have power to put questions to the debtor, to be answered on oath, respecting the disposition of his property. The bill was then postponed, and made the order of the day for to-morrow.

The bill from the House of Representatives "providing for the necessary surveys for roads and canals," was next taken up. Mr. BENTON proposed, by way of amendment to this bill, an entire new bill. The amendment was read, and the subject was postponed to, and made the order of the day for, Thursday next.

The bill introduced by Mr. H. JOHNSON, of Louisiana, and reported by the Committee on Public Lands, "for the relief of the heirs of Don Harpin de la Guatrais" was taken up for consideration, in Committee of the Whole. This bill proposes to relinquish the title to a certain tract of land in Louisiana, to the persons for whose relief it is drawn, they having held the Spanish titles to the same, the records of which have been destroyed by fire.

Mr. H. JOHNSON, of Louisiana, stated the grounds upon which this claim was founded. Some remarks were made upon it, by Messrs. KING, of Alabama, CHANDLER, and EATON. The bill was then reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill reported by the Committee on Public Lands, "supplementary to the several acts providing for the ascertaining of land claims, in the St. Helena and Jackson Districts, in the State of Louisiana," was taken up for consideration, in Committee of the Whole. The sum of $1,500, the annual salary to be allowed to the registers of the land offices, and the receivers of public moneys, to be appointed under this act, was stricken out, and a motion was made to insert $800 in lieu of it. This amendment underwent some discussion, in relation to the duties to be performed by these officers, in which Messrs. H. JOHNSON, RUGGLES, KING, of Alabama, LOWRIE, and EATON, took part. On motion of Mr. H. JOHNSON, the bill was ordered to lie on the table.

The bill reported by the Committee on Claims, "for the relief of Captain Thomas Staniford," was taken up for consideration, in Committee of the Whole. This bill provides for the release of the petitioner from a judgment for $7,282 92, found against him, in favor of the United States. The petitioner was a deputy paymaster during the late war—previous to the settlement of his accounts with the proper department, his documents and vouchers were lost, by fire, in the city of New York. In consequence of this loss, he has since been unable to settle his accounts; and this judgment has been found against him, although he is not, in fact, indebted to the Government. Mr. RUGGLES stated the merits of this case; the bill was reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Public Lands, "for the relief of John McAlister, and the heirs of John Forbes," was next taken up in Committee of the Whole. This bill proposes to relinquish the title to a certain tract of land, to the persons for whose relief it is drawn; their individual titles to be ascertained and settled in a court of justice. The grounds of the bill were explained by Messrs. BARTON, and KING, of Alabama, and Mr. CHANDLER opposed it. It was then reported to the Senate, and passed to be engrossed, and read the third time, 17 to 14.

The bill introduced, some time since, by Mr. TAYLOR, of Virginia, "to provide for the settlement of certain pecuniary claims against the United States," was taken up, and made the order of the day for Monday next.

ARKANSAS BOUNDARY.

Mr. BENTON, from the select committee, to whom was referred, on the 17th December last, the memorial of the General Assembly of the Territory of Arkansas, made a report, accompanied by a bill to fix the western boundary line of the Territory of Arkansas; which were read, and the bill passed to a second reading.—The report is as follows:

That the memorialists represent that the line, prescribed by an act of the last session of Congress, for the western boundary of the Territory of Arkansas, will pass through the counties of Miller and Crawford, and leave a proportion of the population of the said counties on the outside of said line and beyond the jurisdiction of said Territory; and they pray that the line may be altered, and fixed so far west as will include the residue of said counties and their inhabitants.

By information derived from the Delegate of said Territory, the committee are informed that the number of inhabitants thus cut off from the government under which they had lived, amounts to about twelve hundred souls; and the inquiries which present themselves, are: 1st. Whether the said inhabitants shall be left as they are, without law to govern them ? 2d. or, Whether they shall be compelled to come within the present limits of the Territory ? 3d. or, Whether the western boundary shall be extended to include them ?

The first alternative the committee reject, for reasons too obvious to require specification. To the second, many objections are found, arising from the organized state of the counties; the *claims* which many of the inhabitants set up for pre-emption rights, under the act of Congress of the 12th of April, 1814; and, above all, from the fact, that, by an order issued from the War Department, the 15th December, 1818, a line drawn from the source of the Koamichi, to the source of the Poteau, was fixed as the limit of western settlements in Arkansas, and settlers west of that line were ordered to be removed to the east of it; in the execution of which order, by the commanding officer of Fort Smith, on the Arkansas river, the settlers in the now counties of Miller and Crawford were not removed, because found to be on the eastern side of the said line. The third alternative is, therefore, adopted by the committee, as well for the reasons growing out of the objections to the first and second, as because a line further west will divide into two equal parts the territory of the United States upon the Arkansas, east of the Mexican boundary, and will give to the future State of Arkansas that power and magnitude, to which, as a frontier State, in relation both to a foreign nation and numerous Indian tribes, it will be justly entitled.

The adjustment of the Indian boundary lines not being a subject of legislation, the committee do not make any report upon the existing boundary between the Choctaws and white settlers in the Territory of Arkansas. They leave that subject to the operation of treaties made or to be made, and report a bill solely for the extension of the western boundary line of the Territory of Arkansas.

Wednesday, March 24.

Mr. Smith, from the Committee on Finance, to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1824," reported it with amendments; which were read.

Mr. Lowrie laid on the table a letter from the Commissioner of the General Land Office, enclosing statements showing the quantity of land surveyed, the quantity remaining unsold, the estimated quantity to be surveyed in each district, and the amount of money due from individuals on the 31st December, 1820, and the 30th September, 1821 and 1822; and also the quantity sold, and amount of purchase money under the credit and cash systems, respectively, and the quantity relinquished under the act of 1821, with the amount for which it sold. The letter and statements were ordered to be printed for the use of the Senate.

Mr. Van Buren, from the Committee on the Judiciary, to whom was referred the petition of Charles S. Hempstead, and others, members of the bar in Missouri, reported a bill to alter the times of holding the District Courts in the District of Missouri; which was read, and passed to a second reading.

Mr. Eaton, from the Committee on the District of Columbia, to whom were referred the petition of Hezekiah Langley and Benjamin M. Belt, reported a bill for the relief of Hezekiah Langley and Benjamin M. Belt; which was read, and passed to a second reading.

Mr. Barton, from the Committee on Public Lands, reported a bill to establish a Surveyor General's Office in the Territory of Arkansas; which was read and passed to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi, reported it without amendment.

On motion, by Mr. Ruggles, the Committee of Claims were discharged from the consideration of the petition of Demas Deming.

Mr. Hayne presented the remonstrance of Thos. Carr, and others, in behalf of the citizens of Georgetown, South Carolina, against the passage of the bill now before Congress, to increase the duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

The bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land, was read the third time and passed.

The bill for the relief of the heirs of Don Harpin de la Gautrais was read the third time, and passed.

The bill for the relief of Captain Thomas Staniford was read the third time, and passed.

The bill extending the benefit of copy-rights to the authors of paintings and drawings was read the second time, and referred to the Committee on the Judiciary.

The bill to fix the western boundary line of the Territory of Arkansas was read the second time.

The resolution authorizing the President of the United States to procure an equestrian portrait of Washington, was read the second time; and, on motion, ordered to lie on the table.

The bill, from the House of Representatives, entitled "An act to alter the times of holding the District Court of the United States for the District of Illinois," was read the second time, and referred to the Committee on the Judiciary.

The Senate proceeded to consider the motion of yesterday, to direct the Committee on Public Lands to inquire into the expediency of causing certain swamp lands in Louisiana to be surveyed; and, it was ordered to lie on the table.

GENERAL APPROPRIATION BILL.

On motion of Mr. Smith, the Senate, as in Committee of the Whole, proceeded to consider the bill "making appropriations for the support of Government for the year 1824," with the several amendments proposed thereto by the Committee on Finance in the Senate.

The several amendments proposed in the details of the bill, were taken up, in course. The committee propose to reduce the appropriation agreed to in the House, for surveying the public lands of the United States, from $100,000 to $60,000. A discussion took place upon the propriety of reducing this item; in which Messrs. Smith, Lowrie, Ruggles, H. Johnson, of Louisiana, Holmes, of Maine, Chandler, Williams, Hayne, and Eaton, engaged. The amendment was adopted.

The next amendment was, to strike out the amount of $1,160, "for improving the Capitol square, and painting the railing round the same," and insert in lieu thereof the sum of $3,000. Mr.

SMITH explained the reasons for proposing this increase. Messrs. MACON, and HOLMES, of Maine, made some few remarks upon the subject; and the amendment was then carried.

The committee propose to amend the bill, by inserting a new clause as follows: "for graduating and improving the grounds attached to the President's House, $2,000." This was also agreed to.

The committee recommend that the sum of $40,000, "for the relief of the sick, disabled, and destitute seamen, in foreign countries," should be stricken out, and $30,000 inserted for that purpose. This amendment was adopted.

They also recommend that the appropriation "for the Consul General at Paris, $2,000," be stricken out entirely. This amendment was supported by Messrs. SMITH, KING, of New York, and HOLMES, of Maine, and opposed by Messrs. PARROTT, LLOYD, of Massachusetts, and LOWRIE. The discussion turned upon the question, whether this officer was necessary, or not. The amendment was lost.

The next amendment proposes to strike out $18,000, the sum appropriated "for the payment of the salaries of the Commissioner and Arbitrator, under the 1st article of the Treaty of Ghent, and half the salaries of their Secretary and Messenger;" and to insert, in lieu thereof, the sum of $2,500, together with the unexpended balance of the last year's appropriation. Mr. SMITH stated the reasons which induced the committee to propose this reduction. Mr. KING, of New York, moved to insert, also, "an agent" to be connected with this commission, and spoke in support of the propriety of having a public agent before the commissioners. Mr. SMITH opposed this motion; and, in the course of his remarks, he stated that he had been informed, by a gentleman who acted as agent for individual claimants, in Virginia and Maryland, that the amount recovered, for slaves taken from those two States, would not be sufficient to pay the expenses of the commission. Mr. HOLMES, of Maine, also opposed the motion for the insertion of an agent, and Mr. BARBOUR advocated it at much length, denying the statement of Mr. SMITH, and controverting and answering all the arguments of the opposers of the appropriation. Without taking the question, the Senate adjourned.

THURSDAY, March 25.

Mr. BENTON, from the Committee on Indian Affairs, to whom the subject was referred by a resolution of the Senate of the 23d instant, reported a bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper; which was read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1824," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read by unanimous consent, and referred to the Committee on Naval Affairs.

The bill for the relief of Colonel William Duane; the bill to alter the times for holding the District Court in the district of Missouri; the bill for the relief of Hezekiah Langley and Benjamin M. Belt; and the bill to establish a Surveyor General's office in the Territory of Arkansas, were, severally, read the second time.

GENERAL APPROPRIATION BILL.

The unfinished business of yesterday, being the bill from the other House, "making appropriations for the support of Government, for the year 1821," with the several amendments proposed thereto, by the Committee on Finance of the Senate, was again taken up in Committee of the Whole.

The Committee on Finance propose to amend the bill, by striking out the sum of $18,000, appropriated "for the payment of the salaries of the Commissioner and Arbitrator, under the first article of the Treaty of Ghent, half the salary of their Secretary, and half the contingent expenses of said commission;" and to insert in lieu thereof, the sum of $2,500," together with the unexpended balance of the last year's appropriation for this purpose.

Mr. KING, of New York, yesterday moved to amend this amendment, by including, in this item, a provision for a "public agent," to take care of the claims before this commission. That motion being under consideration, when the Senate adjourned yesterday, the question again recurred upon it. Mr. SMITH made some further remarks, in opposition to the motion. It was opposed, also, by Messrs. VAN DYKE, HOLMES, of Maine, NOBLE, and MACON; and supported by Messrs. JOHNSON, of Kentucky, EATON, H. JOHNSON, of Louisiana, BARBOUR, KING, of New York, and HAYNE.

Mr. KING, of New York, observed that the gentleman from Delaware having inquired by what authority the proposed agent was appointed, and what is the nature of the appointment, he would state the opinion which he entertained on the subject. The agency in question having no connexion with the Legislature or the Judiciary, he conceived it to be wholly of an Executive character, proceeding from, and having relation to the Executive power, which, by the Constitution, is vested in the President of the United States. The President is authorized to nominate, and, by the advice and consent of the Senate, appoint ambassadors, judges of the Supreme Court, and all other officers of the United States whose appointments are not, by the Constitution, otherwise provided for, and which shall be established by law. The enumerated officers are created by the Constitution; various other officers of the United States are provided for by law. Executive services which from time to time may be requisite, and concerning which no law has made provision, from the beginning, have been performed by agents, appointed by the President alone. Should such appointments be made unnecessarily, and, in making them, it should be believed by the Congress that the Executive power is employed corruptly or improvidently, they will check such appointments by refusing to appropriate money to defray the expenses of them. Congress, in exercising such check, will act with the discretion and caution that the occasion calls for, manifesting the consideration and confidence which harmony between the co-ordinate departments of the Government requires.

Thus, soon after General Washington became President, Baron Steuben was sent to General Halderman, the Governor and Commander-in-chief of Canada, to ascertain whether he was authorized and prepared to deliver the northern posts, pursuant to the treaty of peace; and, upon General Halderman's declining to deliver them, Mr. Gouverneur Morris, then in Europe on his private business, was authorized by the President, General Washington, to proceed from France to England, to inquire of the English Ministry whether orders had been or would be sent to the Commander-in-chief in Canada to evacuate the American posts, according to treaty. The Baron Steuben and Mr. G. Morris were Executive agents on these occasions. Soon after the commencement of the war between France and Great Britain, the November Order of Council was issued in England, by which their armed vessels were instructed to detain, and send into port for adjudication, all American vessels employed in a trade which they were not permitted to carry on in peace; and the British ships of war detained American ships, and impressed their seamen in the West India seas. These proceedings induced President Washington to send Mr. Higginson, of Boston, to the West Indies, as an agent, to visit the British islands, and to obtain from the Courts of Admiralty copies of the decrees of condemnation of American vessels and cargoes, and to send these to the United States or to London. About the same time Captain Talbot, of the Navy of the United States was sent by General Washington, as an agent, to assist and recover the American seamen impressed into the British service. Captain Talbot proceeded to Jamaica, and other English islands, and afforded great assistance and protection to impressed American seamen.

Mr. Samuel Bayard was contemporaneously sent by General Washington, as an agent, to England, to enter, in the High Court of Admiralty, appeals from the colonial Admiralty Courts, to engage proctors to assist him, and to place in their hands the colonial decrees of condemnation of American vessels and cargoes. All of these agencies were derived from mere Executive appointments; they were faithfully executed, and contributed much to protect the rights and to secure the property of our countrymen.

After the treaty with Great Britain, of 1794, two sets of Commissioners met in America. One, concerning the river St. Croix, assembled at Halifax; another, concerning debts, convened at Philadelphia. A third set of Commissioners met at London. Concerning the debts, an agent was authorized by law to be appointed by the President and Senate, to be employed before the Philadelphia commission. Concerning the river St. Croix, an agent was appointed either by the President of the United States, or by the State of Massachusetts, that State being concerned in the settlement of this boundary. In respect to the London Commissioners, three successive agents were appointed by the President. The first, Mr. Bayard, by President Washington; the second, Mr. Samuel Cabot, by General Washington, or by his successor, Mr. Adams; the third, Mr. Erving, who superseded Mr. Cabot, by President Jefferson. These appointments, except the agent before the Philadelphia commission, were not made in pursuance of any law, but considered as Executive agencies, appointed and employed by the Executive alone.

Under Mr. Jefferson, or his successors, Mr. Poinsett, in South America; Mr. B. Provost, in Peru; Messrs. Rodney, Bland, and Breckenridge, at Buenos Ayres; Mr. Baptiste Irvine, at Caraccas; Mr. Tod, in Colombia, and Mr. Robinson in Mexico, have been employed as Executive agents, all being appointed by the Executive alone, no law creating their respective employment having been made. Each and all these agents have been paid out of the Treasury of the United States; appropriations for which must, from time to time, have been made.

Whether these agencies have been carried further than they ought to have been, Mr. K. could give no information; but no opposition is recollected to have been made to them. Within suitable limits, the power of the Executive to employ agents to obtain information, with which his office requires he should be furnished, will hardly be doubted; and the practice is the usage of all other nations, and has been that of the United States from the beginning, and under all the Presidents. The present agency is thought to be important, and useful to the States whose citizens lost their slaves; and, according to former precedents, this agency is well justified; it is deemed requisite by the Secretary of State, to whose Department the subject belongs; it has received the approbation of the American Commissioner and Arbitrator; and, as the average value of the lost slaves, the most important preliminary point, yet remains to be determined, the assistance of the agent continues to be useful, if not absolutely necessary. Should the agent be discontinued, the session of the Commissioners will be prolonged, and its expense thereby enlarged; so that the continuance of the agency will not only be of general utility, but a measure of positive economy.

The question on Mr. King's motion was then put, and decided in the affirmative, 25 to 13. The discussion on this subject was continued till four o'clock. The yeas and nays were ordered, and were as follows:

Yeas—Messrs. Barbour, Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, McIlvaine, Parrott, Ruggles, Seymour, Taylor of Virginia, and Ware—25.

Nays—Messrs. Bell, Chandler, Clayton, Dickerson,

Holmes of Maine, Lowrie, Macon, Noble, Smith, Taylor of Indiana, Thomas, Van Buren, and Van Dyke—13.

The Senate then adjourned.

FRIDAY, March 26.

Mr. NOBLE moved to discharge the Committee on Pensions from the consideration of the resolution of the 27th January, instructing said committee to inquire into the expediency of placing James Morrow upon the pension list; and, on motion by Mr. LOWRIE, the said motion was ordered to lie on the table.

Mr. VAN DYKE presented the memorial of Anthony C. Cazenove, and others, inhabitants of the county of Alexandria, in the District of Columbia, remonstrating against a recession of that part of said District to the State of Virginia; which was read, and referred to the Committee on the District of Columbia.

The bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper, was read the second time.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Having stated to Congress, on the 7th of December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor by the accounting officers of the Government, and that, in the execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law by which this duty was enjoined on me, and of the report of the committee on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the final decision of Congress, which I now do. In adopting this measure, I think proper to add, that I concur fully in the sentiments expressed by the committee in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 25, 1824.

The Message was read, and laid on the table.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended in Committee of the Whole; and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Tuesday next.

Mr. H. JOHNSON gave notice that, on Monday next, he would ask leave to bring in a bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, for the use of the boarding officer at that place, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill as reported by the Committee on Finance, "for the relief of Charles Gwynn, of Baltimore." This bill provides that a certain sum of money, overpaid into the Treasury of the United States, shall be refunded. The bill was reported to the Senate without amendment, and passed to be engrossed, and read the third time.

Mr. VAN BUREN, from the Committee on the Judiciary, submitted a report on the petition of Thomas Hewes, of Louisiana, accompanied by a bill for his relief. The bill was read, and passed to a second reading, and the report was ordered to be printed.

The bill reported by the Committee on Claims, to provide for the settlement of the accounts of the late Benjamin Lincoln, David Humphreys, and Cyrus Griffin, was taken up for consideration, in Committee of the Whole. These gentlemen were appointed commissioners, thirty-five years since, to treat with the Creek Indians. Certain goods which were intrusted to them, as presents to the Indians, were not used for that purpose, but were afterwards applied to other objects. These goods still stand charged to the commissioners on the books of the Treasury. The persons have since deceased, and their legal representatives now petition that this charge may be cancelled. Messrs. RUGGLES and MILLS explained the circumstances attending this claim, and supported the bill, on the ground that the accounts had long since been fairly and honorably settled. Mr. CHANDLER made some remarks on the subject, to which Mr. LLOYD, of Massachusetts, replied, and advocated the passage of the bill. The bill was then reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the Message of the President of the United States, in relation to certain acts of the Governor of the Territory of Arkansas, reported a bill, "confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes." The bill was twice read.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Thaddeus Mayhew; and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and it was laid on the table.

Mr. HOLMES, of Maine, presented the memorial of Thomas Swann, and others, members of the bar in the District of Columbia, praying a change of the terms of the circuit court; which was read, and referred to the Committee on the District of Columbia.

Mr. **BENTON** submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire whether any Legislative act, on the part of the Congress of the United States, is necessary, to enable the inhabitants of the towns and villages in the State of Missouri, who may be entitled to a "common," adjacent to each town or village, to establish the boundaries of such "common," and to make such dispositions thereof as the interest of any such town or village may require.

The Senate proceeded to consider, as in Committee of the Whole, the bill to enable the President to carry into effect the Treaty made at Ghent, on the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Ichabod Lord Skinner; and it was laid on the table.

GENERAL APPROPRIATION BILL.

The unfinished business of yesterday, being the consideration of the bill "making appropriations for the support of Government, for the year 1824," was again resumed, in Committee of the Whole. The question was upon striking out the appropriation of $18,000, "for the salaries of commissioner, arbitrator, and an agent, under the first article of the Treaty of Ghent, and half the salary of their secretary, and half the contingent expenses of said commission," and to insert in lieu thereof the sum of "$4,500," for that purpose. This was the amendment proposed by the Committee on Finance of the Senate, as yesterday amended, on motion of Mr. **KING**, of New York. The amendment was agreed to.

An amendment was, also, agreed to, in relation to the amount appropriated for the compensation and travelling expenses of the members of the Legislative Council of the Territory of Florida.

The committee recommend to insert in the bill, a clause, as follows: "For a draughtsman, and two colorers, authorized by law to be employed in the General Land Office, $3,000." This was agreed to.

All the amendments proposed by the Committee on Finance having been gone through with, Mr. **SMITH** moved that the bill be further amended by inserting this clause: "For the contingent expenses of the two Boards of Land Commissioners for East and West Florida, for the year 1824, including arrearages, $1,250." Messrs. **SMITH**, **KING** of Alabama, and **LOWRIE**, made some remarks upon this subject. The amendment was rejected.

The bill was then reported, from the Committee of the Whole, to the Senate, with the several amendments which had been agreed thereto.

Mr. J. S. **JOHNSTON**, of Louisiana, opposed the amendment made in Committee of the Whole, reducing the amount to be appropriated for the surveys of public lands. He concluded by moving to strike out $60,000, and insert $80,000, as the appropriation for that purpose. This motion was supported by Messrs. H. **JOHNSON**, of Louisiana, and **SMITH**, and opposed by Messrs. **LOWRIE**, **HOLMES** of Maine, and **KING** of Alabama. The question was divided. The sum of $60,000 was stricken out. The Senate refused, by the casting vote of the Chair, to insert $80,000. The blank was subsequently filled with $75,000.

Mr. **LOWRIE** opposed the amendment made in Committee of the Whole, by which the appropriation "to provide for sick, disabled, and destitute seamen, in foreign countries," was reduced from $40,000 to $30,000. Mr. **LLOYD**, of Massachusetts, also spoke against that amendment; and the Senate refused to concur in it.

The other amendments were adopted, and the bill was then passed to a third reading, as amended; and the amendments were ordered to be engrossed. The bill afterwards, on motion of Mr. **SMITH**, and by general consent, was read the third time, passed, and sent to the other House for concurrence in the amendments.

MONDAY, March 29.

Mr. **SMITH**, from the Committee on Finance, to whom was referred the memorial of Elijah Van Syckel, reported a bill for the relief of Elijah Van Syckel, of Philadelphia; which was read, and passed to the second reading.

Mr. **BARTON**, from the Committee on Public Lands, to whom was referred the memorial of the trustees of the town of St. Charles, in Missouri, reported a bill supplementary to an act of Congress passed on the 13th day of June, 1812, entitled "An act making further provision for settling the claims to lands in the Territory of Missouri;" which was read, and passed to a second reading.

Mr. **McILVAINE** presented the memorial of Joshua Brick, and others, of Port Elizabeth, and of John S. Howell, and others, of Gloucester county, in New Jersey, severally praying an increase of the duty on imported iron, and on the manufactures thereof. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of Thomas Hewes was read the second time.

The Senate proceeded to consider the motion of the 26th instant, instructing the Committee on Public Lands to inquire whether any legislative act is necessary, to enable the inhabitants of towns in Missouri entitled to a "common," to establish the boundary thereof, and to dispose of the same in such manner as the interests of the towns may require; and agreed thereto.

The bill for the relief of Charles Gwynn, of Baltimore, was read the third time, and passed.

The bill to authorize the settlement of the accounts of Benjamin Lincoln, and others, was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Wednesday next.

Mr. HENRY JOHNSON asked and obtained leave to bring in a bill for the sale of the warehouse at the former quarantine ground near the English Turn, in the State of Louisiana, and for the erection of a dwelling house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes; which was read, and passed to a second reading.

Mr. BROWN gave notice that he would ask leave, to-morrow, to bring in a bill to change the terms of the Circuit and District Courts in the State of Ohio, and one of the terms of the Circuit Court in Kentucky.

PORTRAIT OF COLUMBUS, &c.

Mr. DICKERSON, from the select committee, appointed on the 11th December last, on the distribution of the rooms of the centre building of the Capitol, to whom was referred a communication from the Secretary of State of the 2d January last, reported resolutions providing a place of deposite for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence now in the Department of State; which was read, and passed to a second reading.—The report is as follows:

That the Committee have had under consideration the following letter of the Secretary of State, which was referred to them:

"*To the President of the Senate:*

DEPARTMENT OF STATE,
Washington, January 1, 1824.

SIR: I have the honor of enclosing, herewith, a copy of a letter, received at this Department, from George G. Barrell, Consul of the United States at Malaga, and of informing you, that the picture mentioned in it, is at the office of this Department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here, in a frame, upon which is engraved the following inscription:

'COLUMBUS,'
'Presented to the nation by G. G. Barrell, United States' Consul at Malaga. The frame presented by Parker and Clover, picture framers, New York, A. D. 1823.'

I avail myself of this occasion to state, that an exact fac simile, engraved on copper plate, has been made by direction of this Department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress, on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of this Department, subject to the disposal of Congress.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS."

The committee beg leave to report the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the picture mentioned in the foregoing letter of the Secretary of State be placed in the National Library.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following:

2 copies to each of the surviving signers of the Declaration of Indedendence;
2 copies to the President of the United States;
2 copies to the late President, Mr. Madison;
2 copies to the Marquis de Lafayette;
20 copies to the two Houses of Congress;
12 copies to the different Departments of Government;
2 copies for the President's House;
2 copies for the Supreme Court room;
1 copy to each of the Governors of the States, and
1 to each branch of the Legislatures of the States;
1 copy to each of the Governors of the Territories of the United States, and
1 copy to the Legislative Council of each Territory;

And the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by the Committee on Indian Affairs, "to enable the President to carry into 'effect the Treaty of Ghent, to prevent foreign'ers from trading with the Indians within the 'limits of the United States, and to secure the 'fur trade to the citizens of the said United 'States." Mr. ELLIOTT was called to the Chair. The bill having been read—

Mr. BENTON said that the provisions it contained were bottomed upon the fact, that foreigners instigated the Indians on the Upper Missouri to kill and pillage American citizens. To prevent these outrages, and save the fur trade to our own citizens, it was necessary to exclude these foreigners wholly from the dominions of the United States. As the chairman of the committee which reported the bill, it became his duty to sustain the views it presented; and, in doing so, he would recall to the recollection of the Senate that, from the day of our independence, the frontiers of the United States have been constantly harassed by the machinations of foreigners among the Indians within our own boundaries.

In the South, the instigations of the Spanish authorities, and the incitements of a foreign mercantile house in Pensacola, kept the Southern Indians at war with the Southern and Western States, with a few intermissions, for a period of forty years. It is only within four or five years past that these hostilities have ceased. The acquisition of the Floridas, by putting an end to the practices of foreigners, has given permanent peace to the Southern frontier.

The Northwest has presented a more extended theatre for the same kind of machinations. The Western posts were retained, from the peace of '83, in violation of the treaty of that date, until the year '96. The pretext for the retention was, the non-payment of debts claimed by the British merchants; the motive, to monopolize the fur trade, to retain the control of the Indians, and to check the progress of the Western settlements. The first of these motives was admitted in the year '89 by the Duke of Leeds and Mr. Pitt. The admission was made to Mr. Gouverneur Morris, authorized by President WASHINGTON to sound the British Ministry on the subject of restoring the Northwestern posts, and entering into a commercial treaty with the United States.—(*Marshall's Life of Washington, vol.* 5, *p.* 276.) The second were proclaimed by Lord Dorchester, Governor General of Canada, in the year '92—proclaimed under circumstances which admitted of no denial, in a public speech to prepare the Western Indians for a war with the United States. (*American State Papers, vol.* 2, *p.* 56.) British traders, protected by their Government, and incited by their own cupidity, succeeded in bringing on the great Indian war which desolated, for so many years, the frontiers of Kentucky and Ohio, overwhelmed two American armies with disastrous defeat, and was only terminated by the great victory of General Wayne in the year '94, on the Miami of the Lakes, in sight of a British garrison. This war was the fruit of the retention of the Northwestern posts in violation of the treaty of '83. The knowledge of this fact determined the American Government to procure, at any sacrifice, the surrender of these posts. The treaty of '94 effected this object, but left to British subjects the fatal privilege of entering our territories and trading with our Indians. The use which was made of this privilege is known to all America. Everywhere the British traders were engaged in poisoning the minds of the Indians, and inciting them to war and hatred against the Americans. A circular speech was composed, and sent among all the tribes, in which the Great Spirit was made to declare the British and Indians were his own children, and the Americans the children of the Evil Spirit—"that they grew from the scum of the great waters when it was troubled by the Wicked Spirit, and the froth was driven into the woods by a strong East wind."

By these arts, long before the declaration of the late war, the Indians were ripe for hostilities with us, and their formidable confederacy, inflamed by fanaticism, extended from the Lakes of Canada to the Gulf of Mexico. They would not even wait for the co-operation of their allies, but boldly began the war in the year 1811, upon the bloody field of Tippecanoe. In the three succeeding years, they occasioned the expenditure of millions of money, and the loss of thousands of lives. Massacres, the recital of which freeze the blood, were repeatedly perpetrated, and British traders led the attack, and presided at the slaughter of the wounded and the captive. Does any one doubt that these traders instigated these Indians to begin the war? Let him read the message of President Madison, recommending war against England, and he will find the conduct of these traders stated as one of the reasons for declaring war against that Power. Let him look to the papers which accompanied that message, and he will find a volume of testimony supporting that charge. Let him look to the report of the Committee in Congress, to whom these proofs were referred, and he will find it unanimously agreed that these traders, in a period of profound peace, while carrying on a lucrative trade within the American Territories, under the protecting sanction of a treaty, had systematically encouraged the Indians to war against us. The full knowledge of all these facts determined the Administration to make no peace with Great Britain without excluding her traders from all intercourse with Indians living within the United States. In pursuance of this determination, instructions were given to our Commissioners at Ghent not to renew the third article of Mr. Jay's Treaty. A treaty was made, and the article was not renewed. Great was the joy of the West. Vast as had been her losses, her sacrifices of brave citizens in the prosecution of the war, she felt herself compensated by the single advantage of excluding British traders from all intercourse with her Indians. But the care of the Administration did not cease with the conclusion of the treaty. It was necessary to give it effect to carry it into execution, not to suffer a repetition of the faithless conduct which followed the treaty of '83. A plan was immediately projected to occupy, with a military force, all the commanding positions on the frontiers of the Northwest. The Falls of St. Mary, at the outlet of Lake Superior; the Falls of St. Anthony; Prairie du Chien; the Council Bluffs; and the Yellow Stone River, were each to receive a garrison. This plan of defence was projected in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. It was a part of that system of defence which covered the seacoast with fortifications. All the positions were occupied, the Yellow Stone excepted. British traders disappeared from the Upper Mississippi and the Lower Missouri. The Indians, within the points occupied by our troops, returned to habits of friendly intercourse and regular trade with American citizens. But the Upper Missouri was left in the hands of the British. For want of the protection of a military post, American traders, for several years after the conclusion of peace, made no attempt to penetrate that rich fur region which lies at the foot of the Rocky Mountains. In 1821–'2, the first attempts were made. The companies which went out, were engaged in hunting as well as trading. The Crow Indians, a numerous and powerful tribe on the south side of the Yellow Stone, made no objection to the use of the beaver trap among them.—(*Mr. Pilcher's statement, page* 19, *document No.* 56.) In the Spring and Summer of 1823, hostilities broke out on the Upper Missouri. General Ashley was attacked by the Arikaras, and lost twenty-six men, killed and wounded. The Missouri Fur Company was attacked by the Blackfeet on the Yellow Stone River, lost seven men killed, and fifteen thousand dollars worth of furs and merchandise. Major Henry was attacked on the same river, by the same tribe of Indians, and lost four or five men killed. The Assinaboins had previously robbed him of some fifty horses upon the Missouri river. This, continued Mr. BENTON, is the narrative of our Indian relations beyond the Mississippi. Of nearly three tribes which are found there, no more than three have been hostile to us! The questions which now present themselves to the Senate, are, first, to ascertain the cause of hostility from these three tribes; secondly, to provide the proper remedy for preserving peace with them in future.

On the first of these inquiries the public mind has been most scandalously abused. Soon after the perpetration of the outrages on the Upper Missouri, a letter, without name, purporting to have been written by an Indian agent in St. Louis, appeared in all the Atlantic papers. It justified the hostilities of the Indians, ascribed their robberies and murders to a just resentment of hunting and "trapping" on their lands, contained the usual portions of abuse upon American traders, and of sentimental love and affection for the oppressed children of the forest. I knew the letter to be a fabrication, but, to satisfy the Senate on that point, an interrogatory was addressed to Major Graham, United States agent beyond the Mississippi, and Mr. Pilcher, partner in the Missouri Fur Company. Their answers will be found in No. 56, of the documents of this session. Major Graham states, that he knows nothing of this letter, and does not believe "such a letter could be written by an Indian agent." Mr. Pilcher states, that he saw it at St. Louis in an Atlantic newspaper—mentioned it to Major O'Fallon, "who was indignant at its contents"—and that he and Major Graham are the only Indian agents upon the Missouri. This testimony fixes the false character of this letter; its diabolical intention was carried upon its face. It was intended to poison the public mind—to overwhelm American traders with public odium—prevent Congress from interfering for their protection, and then continue to the British the exclusive enjoyment of the fur trade beyond the Mandan villages.

The justification set up by the Arikaras is untrue in point of fact. No hunting or "trapping" had taken place upon their grounds. Major Graham, in the document just quoted, says that he never heard of such a thing. Mr. Pilcher states, that no instances had come to his knowledge; that the Arikara country contained very little fur. The circumstances of the attack upon General Ashley prove the falsehood of this pretended justification. He arrived at the Arikara villages on the 30th day of May, on his way to the Rocky Mountains; stopped upon the request of the chiefs; traded on the first day of June for forty or fifty horses; and was preparing to resume his voyage on the morning of the 2d, when he was treacherously attacked, and had twenty-six men killed and wounded. (*Document No.* 2.) Here was neither hunting upon the Arikara grounds, nor time for any such thing to have taken place. Whence, then, the hostility of these Indians? It is of old date, and almost commensurate with the commencement of our acquaintance with them. It began about the year 1808, in the attack and defeat of an expedition sent by the United States to carry home the Mandan chief, who accompanied Lewis and Clark to the Seat of Government, upon their return from the Pacific Ocean. Lieutenants Prior and Choteau commanded the expedition; the flag of the United States waved at the bow of the boat, yet it was attacked, defeated, compelled to fall back to St. Louis, and no atonement, no satisfaction has ever been obtained for this outrage. The United States submitted to the attack upon her flag, the murder of her soldiers, the disgrace of defeat, and afterwards smuggled home the Mandan chief by the aid of a fur trader. Their late conduct may be stated in the words of Mr. Pilcher.—*Document No.* 56.

"I know that the Arikaras killed a man about the year 1816 or '17, a little above the Big Bend of the Missouri river, in the Sioux country, who was in the employment of some of the fur traders of St. Louis. I know that a war party of the Arikaras, amounting to 80 or 90 men, came down to that country (Sioux) in the month of April, 1820, and robbed two trading-houses established by the Missouri Fur Company for the trade of the Sioux Indians, one above, the other a little below the Big Bend of Missouri—beat and abused the men in charge of the houses, and then continued down the river to the trading-houses of another company, and robbed them of a considerable amount of merchandise, from the owner's account, not less than sixteen or seventeen hundred dollars. I know that some of the principal braves of that nation attempted, during the last Winter, to rob my clerk while in their own villages, and committed violence upon him. In the month of March last, after this clerk left their villages, and had descended the Missouri to one of our principal Sioux trading-houses, about two hundred miles below the Arikaras, a party of that nation, consisting of about eighty men, came down to the neighborhood of this house, met six of our *voyageurs* a few miles from it, who were employed in collecting the furs and peltries purchased from the Sioux, stripped them naked in the prairie, robbed them of their clothes, stole three or four horses or mules, beat each of them severely, and left them naked in the prairie. The same party came that night and fired on the house, stole another horse, and went off. A day or two subsequent to these outrages another party, amounting to one hundred and fifteen men, came in daylight, and attacked this house. Mr. McDonald, one of my partners, his clerk, and eight or ten *voyageurs*, defended themselves and the house, which contained a large amount of property. In this affair the Arikaras lost two men killed, and probably three or four wounded."

Mr. B. called the attention of the Senate to the fact, that all these depredations were committed in the country of the Sioux, two hundred miles from that of the Arikaras, under circumstances which forbid the boldest of their defenders to set up the pretext of repulsing hunters and "trappers" from their violated grounds.

The fabricated letter put up another apology for the Arikaras. It justified their attack upon General Ashley, upon the ground of retaliation for the two men (one of them the son of a chief) killed by the Missouri Fur Company. This justification implies, that the members of this company had no right to repulse an attack upon their house, when one hundred and fifteen Arikaras went two hundred miles into the Sioux country to rob and murder its inhabitants! But the Arikaras themselves set up no such excuse. In their entreaties to General Ashley to stop and trade with them, they expressed regret for the affair with the Missouri Fur Company; and said, that "the angry feelings occasioned by that affray had vanished, and that they considered the Americans as friends." (*Document No.* 2.) What, then, was their inducement to attack General Ashley? The same which led them two hundred miles to kill and pillage the traders in the Sioux country—love of blood and plunder; and, above all, the contempt of Americans, inspired by the successful and unpunished attack upon the United States troops, in the year 1808. The British traders stand acquitted of this crime. Major Graham and Mr. Pilcher (*Document No.* 56) say, they have no reason to suspect these traders of instigating the Arikaras. Upon this statement of facts, corroborated by official documents, Mr. B. averred that the Arikaras, from their first attack upon Lieutenants Prior and Choteau, in 1808, to that upon General Ashley in 1823, neither had, nor pretended to have, the plea of preventing hunters from intruding upon their grounds, or revenging previous wrongs upon themselves. Excuses to this effect were fabrications, got up after the fact, to justify the Indians, and to criminate the Americans, and he regretted to say, that these treacherous savages, bathed in the blood of American citizens, were greeted with the public sympathy, while the victims of their barbarity excite no more compassion than if they had been dogs.

Mr. B. next examined the state of our relations with that numerous and powerful tribe of Indians called the Blackfeet. The bands of this tribe ranged over all the country between the Saskatchiwoine and Yellow Stone rivers, north and south, and between the Mandans and Rocky Mountains, east and west. In this vast district, drained by rivers a thousand miles in length, there was not one resident human being. All were roving, following the buffaloes and other game. To the south of the Yellow Stone live the Crow Indians, also numerous, powerful, and roving. In this district of country, on the head-waters of the Yellow Stone, and Missouri, and along the base of the Rocky Mountains, hunting and "trapping" has taken place by American citizens. The instances are stated by Mr. Pilcher, (*Document No.* 56,) with that explicit candor which commands the respect of every person who reads his statement. The first instance occurred about the year 1808. A company, formed in St. Louis, went to the Three Forks of the Missouri, with the double object of trading with the Indians and "trapping" for beavers. With the Crows, the most friendly intercourse was established; from the Blackfeet, nothing but hostility was encountered. They attacked the company wherever they could be found; killed twenty-seven of their number, and drove the remainder from the country. The next instance did not occur until 1822–3. In the Spring of that year, a party of the Missouri Fur Company penetrated the Three Forks of the Missouri, took much beaver by "trapping," and on their return were attacked by the Blackfeet, defeated, seven of their number killed, and property taken from them to the value of $15,000. About the same time, a party under Major Henry had gone to the same region of country, for the same purpose, and had shared the same fate; they were attacked by the Blackfeet, and had eight or ten men killed and wounded.

The next tribe whose hostility pursues our traders on the Upper Missouri, are the Assinaboins. These, also, are wandering. They range principally on the river, the name of which they bear, and make excursions to the banks of the Missouri, in pursuit of buffaloes, and to waylay American traders. No blood is yet laid to their hands; but their hostile disposition has been repeatedly evinced, in the course of the last Summer, by robbing Major Henry's party of some fifty horses, and making an attack upon an American trading house, near the Mandans. Their range upon the Missouri, is between the mouth of the Yellow Stone and the Mandan villages. No hunting or "trapping" has taken place within these limits; none is alleged; and the Assinaboins are left without the pretext of that justification.

This is the full history of all the hunting and "trapping" on the Upper Missouri. Some instances occurred in the neighborhood of the Council Bluffs, but was stopped by Major O'Fallon, without having led to any hostile consequence. Justice to the citizens of Missouri requires that the origin of these hunting expeditions should be stated. They began about the year 1808—Meriwether Lewis being Governor of Upper Louisiana, and Superintendent of Indian Affairs. He drew a line between the policy to be observed above and below the Mandan villages. Below that point, he enforced the act of 1802, against hunters upon Indian lands; above that point, he tolerated and recommended hunting and "trapping" expeditions. He did so, as the only means of getting the fur trade from the British. (*Lewis & Clarke's Journal, vol.* 2, *p.* 486, *Appendix upon Indian Affairs.*) Under the sanction of this authority, the practice began, and was revived in 1822–3. The Government is not liable to censure for not stopping it, for their attention was only called to the subject in the course of the last Summer; nor the Missouri citizens liable to be called intruders, for they believed they had lawful permission.

Mr. B. stated, that the Aricaras, Blackfeet, and Assinaboins, were the only Indians beyond the Mississippi, which were hostile to the Americans. Out of nearly thirty tribes, between the Mississippi and Rocky Mountains, no more than three have been engaged in hostility against us! The depredations of one of these tribes, the Arikaras, has been traced to their true cause; the depredations of the other two, remain to be accounted for.

It is admitted that hunting and "trapping" has taken place on the ground over which the Blackfeet range; it is admitted that these practices lead to bad consequences—that they ought to be prevented; and the bill now under discussion, in addition to the act of 1802, is intended to prevent them. But it is denied that the Blackfeet are hostile on this account. Their outrages flow from another cause; from a cause wholly unconnected with the conduct of American citizens. Mr. B. felt the delicacy and responsibility of attributing, upon equivocal testimony, a great crime to an absent party; but he felt himself called upon, by his duty to his country, to arraign the British fur traders for all the robberies and murders committed by the Blackfeet and Assinaboin Indians upon the persons and property of American citizens. In doing so, he would submit his reasons and evidences to the Senate, and leave it to all impartial men to judge of the truth.

1st. The British Companies, now united under the charter and name of Hudson Bay, have an inducement to expel American traders from the country beyond the Mandan villages. It is the richest fur region in the world; they have possession of it at present, and every consideration of interest, every feeling of cupidity, impels them to drive competitors away.

2d. They have never failed, when they had an inducement, to employ Indians to kill and rob American traders and citizens. Witness the scenes upon the Northwestern frontier, from the peace of 1783 to the war of 1812; and, in the South, from the same peace to the day of the acquisition of the Floridas.

3d. The affray of Captain Lewis, on his return from the Pacific Ocean, refers itself to British influence. It happened with the Minnetarees of *Fort de Prairie*, a band of the Blackfeet. It took place on Maria's river, a branch of the Missouri, in that tract of country over which the Blackfeet range. It was the only attempt made upon the lives or property of Messrs. Lewis and Clark, in their adventurous expedition to the Pacific Ocean; and this attempt was made by Indians who had just issued from a British fur trading establishment on the Saskatchiwoine river! The inference is irresistible.

4th. Previous to the late war, the Sioux Indians, trading with the British on the Upper Mississippi, annually came across the Missouri river, in the region of the Council Bluffs, waylaid American traders, robbed them, and compelled their *voyageurs* to carry the furs and peltries, thus acquired, to *Prairie du Chien*, where they were sold to British traders! In plain English, the Sioux then performed for the British, on the Lower Missouri, the service which the Blackfeet are now rendering them on the upper waters of that river. Mr. B. stated this fact upon the authority of the late Governor Lewis, and read a passage from Lewis and Clarke's Journal, (vol. 2, page 442,) which confirmed it. He laid particular stress upon it, because the Sioux continued these depredations as long as British traders continued on the Upper Mississippi, and quit them as soon as these traders, in virtue of the Ghent Treaty, were expelled from that of the territories of the United States.

5. The declarations of the Blackfeet to Manuel Lisa. This enterprising trader penetrated to the base of the Rocky Mountains, about the year 1808. He had twenty-seven men killed, and was driven from the country. A year or two afterwards, he succeeded in gaining a friendly interview with some Blackfeet—explained his object in having come to trade with them, and expostulated with them for the massacre of his men. They told him, "it was not their fault; that the British gave them so many guns, knives, and blankets, for Americans' hair, that they could not help taking it." Mr. B. had often heard this statement from Manuel Lisa, in St. Louis, and relied upon its truth.

6th. The attack upon Immell and Jones. The massacre of these gentlemen, and five of their companions, and the loss of $15,000 of their property, has been already stated. The circumstances attending it will show to whom we are indebted for this foul deed. Returning from the Rocky Mountains, they met, on Jefferson river, a party of thirty-eight Blackfeet. Suspicious of their treacherous hostility, the Americans stood upon their defence. An Indian then advanced with a paper in his hand. On the back was written "God save the King." The inside was a letter of recommendation to the bearer. It was headed "Mountain Post, 1823." The letter was without signature—was written on the leaf of an accompt book, and in the English language. A very friendly interview followed, and the parties separated with professions of friendship, and an engagement that the Blackfeet should trade with the Americans at the mouth of Maria's river. Messrs. Immell and Jones hastened their journey, with apprehensions of treachery. They had reached the Yellow Stone in safety, and were following a trace down its bank, where high hills closing down upon the river, created a long and narrow defile, when they were fired upon by an ambuscade of three or four hundred Indians. They were Blackfeet, headed by the chief who had met them, some days before, with the letter endorsed "God save the King."

6. The Blackfeet, Assinaboins, and Arikaras, are the only Indians west of the Mississippi, hostile to the Americans. The two first trade exclusively with the British; the third has done so until within a few years past. Messrs. Graham and Pilcher both say that all the tribes which have no trade with the British are friendly to us; all those who trade with them are our enemies.—(*Document No.* 56.) The Blackfeet and Assinaboins not only trade with the British, but they are British Indians. They come from the north side of latitude 49. The latter come from the river whose name they bear, a water of Lake Winipee; the former from the Saskatchiwoine river. They are placed, in Sir Alexander McKenzie's map, upon the upper waters of that river, under parallels fifty-three and fifty-four of north latitude. This was their position in the year 1793, when McKenzie visited them, and when there was no in-

ducement to give them a wrong location. By what means, then, are these Blackfeet found south of latitude 39, ranging as lords and masters over a vast district of country, and killing American citizens upon the waters of the Missouri, upon the rivers which we call Jefferson, Madison, and Gallatin? It is by virtue of British arms, and lawless violence, that they do these things. The true owners of all that country are the Sho-shonees, and the different bands of the Snake Indians, now hid in the caves and recesses of the Rocky Mountatns. They have been driven from the land of their fathers by the superior arms of the British Indians. For want of arms they have been unable to reconquer their country. The British traders will not supply them, because it is their interest to maintain the supremacy of the Blackfeet; the Spaniards of Santa Fe refuse, on the pretext that fire arms would be dangerous to themselves, but in reality because it is their policy to keep the neighboring Indians as weak and dependent as possible. In support of these statements, Mr. BENTON read passages from pages 419, 20, 1, 2, 3, of vol. 2, of Lewis and Clark's Journal.

From these it appeared that the Sho-shonees and other bands of the Snakes, were the owners of the country from the base of the Rocky Mountains, and covering all the upper waters of the Yellow-Stone and Missouri; that the Saskatchiwoine Indians, armed with guns, had invaded their country, and driven them into the mountains; that they led the most miserable life, subsisting upon roots and berries, and only venturing, by stealth, into their own country, in search of a buffalo; that the Blackfeet killed them wherever they could find them, &c.

7. The conduct of British traders to each other. The Hudson Bay and Northwest Company, now united, were lately rivals in trade. Out of that rivalship arose a war, which continued for several years. Each endeavored to drive the other from the field of trade. Murder and robbery were the means; themselves, sometimes disguised as Indians, aided by Indians, were the instruments of execution. As an exemplification of the character of this war for the fur trade, Mr. B. read the account of the massacre of Governor Semple, of the Hudson Bay Company, in the year 1815, by the agents and "half-breeds" of the Northwest Company. He took the account as he found it in the London Quarterly Review, a work which admits no falsehood to the prejudice of the British character. The scene of the massacre was in front of Fort Douglas, at the confluence of the Assinaboin and Red rivers, where the Earl of Selkirk, proprietor of the Hudson Bay charter, had planted a Scotch colony, and erected a military work mounting twenty pieces of cannon, for the double object of protecting his traders and colonists. The object of Mr. BENTON in referring to this war, and showing its remorseless character, was to have the benefit of the inference that, as these companies, when rivals, endeavored, by murder and robbery, to drive each other from the fur trade, so when united, they would naturally pursue the same means to drive American citizens from the same commerce.

"The account, (says the Review,) given in the Montreal Herald of the 12th of October, evidently from one of the few persons who survived the massacre, is probably the true one. From this it appears, that a regular expedition was fitted out by the Northwest Company, to drive away, for the second time, the people belonging to the Hudson Bay Company, who had repossessed themselves of their establishment on Red river. Governor Semple, observing their approach, said 'We must go and meet those people—let twenty men follow me.' They had only proceeded a few hundred yards when several colonists came running towards them in great dismay, crying out 'The Northwest Company—the half-breeds!' Having advanced half a mile from Fort Douglas, a numerous body of cavalry appeared from behind a wood, surrounded the Governor and his people, when one Bouche, a Canadian, rode up to Mr. Semple, demanding their fort. The Governor answered, 'Go to your fort.' 'You,' retorted Bouche, 'have destroyed our fort, you damned rascal.' 'Scoundrel,' said the Governor, laying his hand upon Bouche's bridle, 'dare you call me so?' Bouche sprang from his horse, and a shot was immediately fired, by which Lieutenant Holt fell. The next shot wounded the Governor, who called out to his men, 'Do what you can to take care of yourselves;' but he was so much beloved that they affectionately gathered round him to learn what injury he had suffered; when a volley of musketry was poured into the group, which killed several and wounded the greater part of them.

"The cavalry galloped towards the survivors, who took off their hats, and called for mercy. But this address for mercy was made to the servants of the Northwest Company, and at their hands was immediately received by what must be presumed the accustomed measure of their compassion—a speedy termination of earthly calamities. The knife, the axe, or the ball, in able and willing hands, soon placed in lasting repose, those whom pain or terror had rendered clamorous. Thus fell Governor Semple, a man of amiable and modest manners, and of a most humane and benevolent disposition; his private secretary, the surgeon, two officers, and fifteen settlers. Their bodies are stated to have been barbarously mangled to gratify the savage rancor of their murderers, commanded by a Mr. Cuthbert Grant, who told the survivor that, if the remainder in the fort showed the least resistance, 'neither man, woman, nor child, should be spared."—*Vol.* 16, 131, 2.

Upon this exposition of facts and reasons, Mr. B. submitted, that he stood fully justified in charging all the robberies and murders committed by the Blackfeet and Assinaboin Indians, to the diabolical machinations of British traders. The true cause of their hostility being shown, the question is, upon the means of putting an end to these outrages, and preserving the fur trade, within the United States, to American citizens.

The bill reported by the committee, contemplates four provisions to accomplish these objects:

1. To enter into treaties of trade and friendship with the principal tribes beyond the Mississippi.
2. To locate the traders.
3. To appoint additional sub-agents to be employed upon the Upper Missouri.

4. To establish a military post at, or beyond, the Mandans.

Mr. B. showed the necessity and propriety of each of these provisions.

"1. To regulate commerce with the Indians," was a power granted to Congress by the Constitution. So far as our own citizens were concerned, they could be regulated by law; but, so far as the Indians were concerned, it must be done by treaty. We have treaties with all the tribes on this side the Mississippi, and with some on the other; but none with the remote tribes, whose trade would be so valuable, and whose friendship is so desirable to us. The bill proposes an appropriation of $10,000, to defray the expenses of holding those treaties. With those who admit the importance of the object to be accomplished, the amount of this appropriation can furnish no objection.

2. To locate the traders. This is a provision repeatedly recommended, by both United States agents and traders. It will put an end to many dissensions among the traders, and secure to the Indian the fullest and fairest market for the barter of his furs and peltries. By confining the traders to particular spots, designated by the agents, all trespasses upon Indian grounds will be effectually prevented.

3. The appointment of two sub-agents, subordinate to the principal agent, on the Upper Missouri. This measure is recommended on the score of economy, and from a conviction that the views of the Government would be better promoted, in that remote quarter, by active sub-agents, subordinate to a principal, than by several agents, independent of each other.

4. To advance a military post to the Upper Missouri. The number of troops intended for this service, is four companies. The committee have been careful to ascertain the expense of the movement. Document No. 56 will show their correspondence with the War Department, in which this number is deemed sufficient, and the expense is estimated at $13,100. For this sum, it is computed, by the Quartermaster General, that the troops may be transported, with full supplies for one year.

Mr. BENTON held this to be the main provision of the bill. Without it, he believed, all the others would be vain and nugatory. He knew that both Houses of Congress, some years since, had decided against such an establishment, but the facts were not known then, which are now communicated—facts which show that we must surrender the fur trade within our own limits to the Hudson Bay Company, or protect our traders by the advance of a military post. The most powerful considerations of interest, policy, and justice, require us to adopt the latter alternative. I do not use these words at random, said Mr. B., nor for the purpose of filling up and rounding off a sentence. I have regard to the facts, and to the import of language, when I say that *interest*, *policy*, and *justice*, require the American fur traders to be protected by their Government. The amount of the trade, its peculiar value, and the encouragement it gives to domestic industry, make it our interest to protect it. The official returns for the last year, show that $675,000 of capital were invested in this trade; extend it to the Rocky Mountains, and it will be augmented to at least a million per annum, for an indefinite number of years to come. The British companies have taken furs to the value of $300,000 sterling, (about a million and a quarter of dollars,) for forty years past. The peculiar value of this trade should make it an object of national attention. Our hat manufactories furnish fourteen millions of dollars worth of hats per annum. Fur is the chief material used in this great manufactory, and the districts of country from which it has been heretofore obtained, are rapidly exhausting. None of the fine furs can now be taken east of the Mississippi. Beyond that river, as far out as the meridian of the Mandan villages, the country is one continued plain, a succession of open prairies, destitute of shelter for furred animals, even in the period of gestation. It is from this district, and from the British traders, that the hat manufactories of the United States are now supplied. But how long will this supply continue? Certainly, it must cease in a few years, and, unless our traders are protected in penetrating the rich and exhaustless fur region of the Rocky Mountains, our own manufactories must quit work, and a vast sum must go to England annually, to purchase hats made of the fur which is taken from the territories of the United States.

Besides the magnitude of the trade, and its peculiar value, it has other claims upon the attention of the nation, from the encouragement it will give to home industry. In England the fur companies are cherished by the Parliament, because they employ in their trade annually fifty thousand pounds sterling, ($240,000,) of British manufactured goods. Every article which enters into this trade, and the raw material of which it is made, is the product of our own country. Coarse cottons, woollens, hardware, powder, lead, tobacco, are the chief articles of this trade. Mr. Pilcher, himself a fur trader, states, that all these articles can be as well manufactured in the United States as in England. The British patterns, which have been adapted to the taste and wants of the Indians, are alone to be followed. No superior or peculiar workmanship is required. Mr. B. appealed to the Senate, to say, if, in this point of view, as the annual consumer of a vast amount of home manfactures, made of home materials, the fur trade was not entitled to the protection of the Government?

Our policy unites itself with our interest. Policy requires us to preserve the trade of the Indians, as the only means of preserving their friendship. Their traders rule them. They did so under the Colonial Government, when French traders led the attack upon the forts and settlements of the colonists. They have done so ever since; the British trader succeeding to the French, and leading the same Indians to the slaughter of Americans. At this moment, every tribe beyond the Mississippi, which trades with Americans, is friendly; every tribe which trades with the British, is at war with us! Justice requires this protection to the West. Atlantic commerce is protected by ships of war in every sea, by Ambassadors at every Court, by a chain of lighthouses, illuminated at the annual expense of $145,000, to light the returning cargo into port. Shall the West, then, solicit in vain for a little post, a handful of men, and a few miserable dollars, to protect the lives of her citizens, upon the soil of their country, engaged in the prosecution of a trade of indispensable value to the whole Union? If any one resists this appeal, said Mr. B., I ask him if it is not right to be just before we are generous? To take care of our own household, before we go forth in quest of foreign adventures? We have a colony of deported negroes, upon the coast of Africa. We vote fifty thousand dollars annually, and send out a ship of war for their protection. Last year they were attacked by their fellow-countrymen, and seven of their number killed and wounded. The agent of the establishment called on Capt. Spence, of the United States ship Cyane, to land his crew, and build them "a permanent and powerful fortification." It was done. A martella tower of strong mason work was immediately constructed, and the public journals resounded with applause. At this very session, within a few days past, we have repeated our vote of fifty thousand dollars, for this charitable enterprise on the coast of Africa. Yet the West asks for thirty thousand dollars only for the protection of her trade and citizens; and shall it be denied?

When Mr. B. had concluded—

Mr. **LOWRIE** expressed some doubts as to the propriety of the fifth section of this bill. He considered the remarks of the gentleman from Missouri, on this subject, as very valuable—several new points had been stated by that gentleman. He had entertained an unfavorable impression of the conduct of the Americans, in relation to the Indian tribes which had been spoken of, from the documents communicated by the President. He wished a few days delay, in order again to examine the documents to which he had alluded.

Mr. **BENTON** said that delay in the consideration of the bill would be destruction to it. It was of the greatest importance that it should be acted upon immediately. He thought there could be no occasion for delay. He answered some objections made by Mr. **LOWRIE** to the fifth section. The bill constituted a complete system, and he would be unwilling to relinquish any section of it.

Mr. **CHANDLER** remarked that he was not as well informed on this subject as the gentleman from Missouri had shown himself to be; and he, therefore, wished for further time to examine it. He moved the postponement of the bill until Wednesday next.

Messrs. **HOLMES** of Maine, and **JOHNSON** of Kentucky, made a few remarks on the subject. The bill was then postponed to, and made the order of the day for Wednesday next.

And, on motion, the Senate adjourned until to-morrow.

TUESDAY, March 30.

Mr. **JOHNSON**, of Kentucky, gave notice that he would, to-morrow, ask leave to bring in a joint resolution providing for the purchase of a certain number of the Journals of the Old Congress.

Mr. **VAN BUREN**, from the Committee on the Judiciary, to whom were referred the bill extending the benefit of copy-rights to the authors of paintings or drawings, and the bill, entitled "An act to alter the times of holding the district court of the United States for the district of Illinois," reported them severally without amendment.

Mr. **BARTON** communicated a letter from James Miller, and others, in answer to a letter from the Chairman of the Committee on Public Lands, showing the necessity of establishing a surveyor general's office in the Territory of Arkansas; and the letter and answer were ordered to be printed.

Mr. **NOBLE** presented the petition of James Lloyd, late a marine in the service of the United States, praying a pension; which was read, and referred to the Committee on Naval Affairs.

The bill, supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled "An act making further provision for settling the claims to land in the Territory of Missouri;" the bill for the relief of Elijah Van Syckel, of Philadelphia; and the resolutions providing a place of deposite for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State; were severally read the second time. The bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place, and for other purposes; was read the second time, and referred to the Committee on Finance.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to repeal the act approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan," and a bill, entitled "An act for the relief of Barbara Paulus."

They concur in the 1st, 2d, 3d, 6th, 7th, and 8th, of the amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1824;" they disagree to the 4th of said amendments, and concur in the fifth, with an amendment; in which bills and amendment they request the concurrence of the Senate.

The two bills last brought up for concurrence were severally read, and passed to a second reading.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended; and, on motion, it was postponed until to-morrow.

Mr. **BROWN** asked and obtained leave to bring in a bill to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky; which was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Sarah Chitwood;" and it was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land district; together with the amendment reported thereto by the Committee on Public Lands; and Mr. LOWRIE proposed a further amendment to the bill; which was read, and ordered to be printed.

Mr. VAN DYKE presented the memorial of Thomas Robinson, in behalf of himself and others, children of the late General Thomas Robinson, of Delaware, who was one of the sureties of Sharp Dulany, formerly collector of the port of Philadelphia, praying that the estate of his father may be released from the payment of the interest that has accrued on a debt due from said Dulany to the United States; which was read, and referred to the Committee on the Judiciary.

GENERAL APPROPRIATION BILL.

The amendments made by the Senate to the bill "making appropriations for the support of Government for the year 1824," and which were disagreed to by the House of Representatives, were then taken up. The first amendment was, an appropriation "for graduating and improving the grounds around the President's House, $2,000." The Senate then agreed to recede from this amendment.

The next amendment proposed by the Senate, and not concurred in by the House of Representatives, was, to make provision for "an agent," to be attached to the board of commissioners, under the first article of the Treaty of Ghent, for making compensation for slaves taken away during the late war with Great Britain.

Mr. SMITH moved that the Senate do recede from this amendment.

Mr. BARBOUR said, that, on the subject of this agency, the sentiments which he had expressed, when it was before under consideration, still remained unchanged, and, indeed, some further occurrences had confirmed his belief, that this officer was very necessary for the business of the commission. But, still, he did not believe it of sufficient importance to the country at large, to produce a collision between the two Houses of Congress. In consequence of this conviction, he was prepared to recede from the amendment.

The question on receding was put and carried.

CLAIMS AGAINST THE UNITED STATES.

The bill "providing for the settlement of certain pecuniary claims against the United States," was taken up for consideration in Committee of the Whole. This bill was introduced, on leave granted, by Mr. TAYLOR, of Virginia, and reported with sundry amendments, by the Committee on the Judiciary. These amendments were in the details of the bill. Some remarks were made upon them, by Messrs. CHANDLER, TAYLOR, of Virginia, LOWRIE, and BARBOUR. They were then agreed to. The bill provides a tribunal for the adjustment of that class of private claims, upon which so much of the time of Congress has been consumed. Mr. HOLMES, of Maine, proposed to amend the bill by limiting its operation to claims of a certain amount. Messrs. H. JOHNSON, of Louisiana, and TAYLOR, of Virginia, spoke upon this amendment, and it was then agreed to. Mr. MILLS submitted an amendment, limiting the provisions of the bill to citizens of the United States. This was also agreed to.

The bill was then reported to the Senate, as amended. The amendments were agreed to, in Senate, and, on motion of Mr. TAYLOR, of Virginia, the bill was laid on the table.

WEDNESDAY, March 31.

A message from the House of Representatives informed the Senate that the House have passed the bills which originated in the Senate, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States, during the late war," and "An act to amend an act, entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," with amendments to each; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the first mentioned bill, and concurred therein.

The Senate proceeded to consider the amendments of the House of Representatives to the last mentioned bill; and, on motion, they were ordered to lie on the table.

Mr. SMITH presented the petition of Nathaniel Potter, and others, recommending to the attention of Congress a new planetarium, invented by Theodore Newell, and soliciting for the inventor and invention such encouragement as they may merit; which was read, and referred to the Joint Library Committee.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Thomas Shields, reported a bill for the relief of Thomas Shields; which was read, and passed to a second reading.

The PRESIDENT communicated a report from the Secretary of War, with a statement of the expenditures at the national armories, and of the arms, &c., made therein; which was read.

Mr. JOHNSON, of Kentucky, asked and obtained leave to bring in a resolution to authorize the purchase of a certain number of the copies of the Journals of Congress from 1774 to 1788; which was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. EATON, from the Committee on the District of Columbia, to whom was referred the petition of Thomas Swann and others, reported a bill altering the times of holding the courts in the District of Columbia; which was twice read, by unanimous consent; and the Senate proceeded to the consideration thereof as in Committee of the Whole, and, no amendment having been proposed, it was reported to the Senate, and ordered to be engrossed and read a third time.

The bill to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky, was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act to repeal an act approved the 3d of March, 1823, entitled 'An act for the relief of John B. Hogan," was read the second time, and referred to the Committee of Claims.

The bill entitled "An act for the relief of Barbara Paulas," was read the second time, and referred to the Committee on Naval Affairs.

The Senate proceeded to consider, as in Committee of the Whole, the bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes; and, no amendment having been proposed, it was reported to the Senate, and ordered to be engrossed and read a third time.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the bill "to enable 'the President to carry into effect the treaty made 'at Ghent, the 24th of December, 1814, excluding 'foreigners from trade and intercourse with the 'Indian tribes within the United States, and to 'preserve the fur trade within the limits of the 'said United States to American citizens," was again taken up for consideration in Committee of the Whole.

Mr. DICKERSON addressed the Chair. He said he did not rise to offer any amendments to the bill; but to call the attention of the Senate to the extent of one of its provisions; which he had not perceived till he heard the argument of the gentleman from Missouri (Mr. BENTON) yesterday. When he heard the title of the bill, to carry into effect the Treaty of Ghent, he had not conceived that one, if not the chief object of it was, to authorize the transportation of a part of our army to some point on the Missouri—as high as the falls of that river. He was at a loss to know what article of the Treaty of Ghent was to be carried into effect by this provision of the bill—it could only apply to the ninth article, which required that we should put an end to hostilities with all the Indian tribes, or nations, with whom we were at war, and forthwith restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in the year 1811, previous to such hostilities. Similar conditions were required of the British Government. As it is our own part of the treaty only which we are to carry into effect, this bill cannot be intended to carry into effect the treaty on the part of the British; that must be left for them to provide for. How this bill is to produce the effect indicated by its title, has not yet been explained.

It is intended by this bill to authorize the President of the United States to send an armed force, of four companies at least, to some point upon the Upper Missouri, as high as the falls of that river; which is about 800 miles above the Yellow Stone, which is 900 miles above Council Bluffs, which is 650 miles above the mouth of Missouri—in all, 2,350 miles above the mouth of the Missouri—and this for the avowed purpose of protecting traders, but which would operate as a protection to the hunters and trappers upon the Indian territories.

It will not be pretended, that moving troops up the Missouri can be necessary for the protection of our frontiers. Council Bluffs, where we have a military establishment, is three hundred miles in advance of the western boundary of the State of Missouri.

The object cannot be to make preparations for extending our population to the Upper Missouri, for, thank Heaven, that country does not admit of a white population. In the account of Major Long's expedition from Pittsburg to the Rocky Mountains, we have a particular account of the vast country lying between the meridian of the Council Bluffs and the Rocky Mountains. Vol. 2, page 350:

"Proceeding westward from the meridian above specified, the hilly country gradually subsides, giving place to a region of vast extent, spreading towards the North and South, and presenting an undulating surface, with nothing to limit or variegate the view, but here and there a hill, knob, or insulated tract of table land. At length, the Rocky Mountains break upon the view, towering abruptly from the plains, and mingling their snow-capped summits with the clouds."

"On approaching the mountains, no other change is observable in the general aspect of the country, except that the isolated knobs and table lands, above alluded to, become more frequent, and more distinctly marked. The bluffs, by which the valleys of water courses are bounded, present a greater abundance of rocks; stones lie in greater profusion upon the surface, and the soil becomes more sterile. If to the characteristics above intimated, we add that of an almost complete destitution of woodland, (for not more than one thousandth part of the section can be said to possess a timber growth,) we shall have a pretty correct idea of the general aspect of the country."

Page 452.—"Throughout this section of country, the surface is occasionally characterized by water-worn pebbles, and gravel of granite, gneiss, and quartz; but the predominant characteristic is sand, which, in many instances, prevails almost to the entire exclusion of vegetable mould. Large tracts are often to be met with, exhibiting scarcely a trace of vegetation. The whole region, as before hinted, is almost entirely destitute of a timber growth of any description. In some few instances, however, sandy knobs and ridges make their appearance, thickly covered with red cedars, of a dwarfish growth. There are also some few tracts, clad in a growth of pitch pine and scrubby oaks; but, in general, nothing of vegetation appears upon the uplands, but withered grass of stinted growth,

no more than two or three inches high, prickly pears profusely covering extensive tracts, and weeds of a few varieties, which, like the prickly pears, seem to thrive best in the most arid and sterile soils."

Page 361.—"In regard to this extensive section of country, we do not hesitate in giving the opinion, that it is almost wholly unfit for cultivation; and, of course, uninhabitable by a people depending upon agriculture for subsistence. Although tracts of fertile land, considerably extensive, are occasionally to be met with, yet the scarcity of wood and water, almost uniformly prevalent, will prove an insuperable obstacle in the way of settling the country. This objection rests not only against the immediate section under consideration, but applies with equal propriety to a much larger portion of the country. Agreeably to the best intelligence that can be had, concerning the country both northward and southward of the section, and especially to the inferences deducible from the account given by Lewis and Clark, of the country situated between the Missouri and the Rocky Mountains, above the River Platte, the vast region commencing near the sources of the Sabine, Trinity, Brazos, and Colorado, and extending northwardly to the 49th degree of North latitude, by which the United States territory is limited in that direction, is, throughout, of a similar character. The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it."

"This region, however, viewed as a frontier, may prove of infinite importance to the United States, inasmuch as it is calculated to serve as a barrier to prevent too great an extension of our population westward, and secure us against the machinations or incursions of an enemy, that might be disposed to annoy us in that quarter."

There is no part of the valuable work before me, said Mr. D., which has given me so much pleasure as that which I have just read. It is a melancholy truth, that the aborigines of this continent must and will be exterminated from every section of the country in which agriculture can be followed with success. Such has been, such must be their fate! But here seemed to be a region, in which a remnant of the innumerable tribes that once traversed our forests, might find a habitation, safe from the overwhelming flood of white population, which would otherwise drive them from the face of the earth. But even this last refuge is to fail them, if our hunters and trappers are to be supported by an armed force, while they utterly destroy the beaver and buffalo of this vast region.

It is intended to send four companies to the Upper Missouri. Mr. D. said, he was informed by a gentleman of great military experience, and well acquainted with that country, that four companies would be altogether inadequate to the purpose intended; that they would be easily cut off by the Indians; that it would not be safe to send a smaller force than two or three regiments—and if these should be stationed as high up as the Falls of Missouri, it would require several regiments more to be stationed at different points on the river; otherwise, all supplies would be cut off, and our forces would perish for want of subsistence. Our troops on the Upper Missouri must depend almost entirely upon supplies from our settlements at and below Council Bluffs. Neither grain nor cattle can be procured in those sterile regions. Even turnips cannot be raised among the rocks and sand of the region in latitude forty-eight. General Gaines states, that, within our Western boundaries, there are thirty thousand warriors. They are, probably, overrated; but, no doubt, they are sufficiently strong to destroy any force which it has been proposed to send among them.

The sum of thirteen thousand one hundred dollars, proposed to be appropriated for transporting this military force to the Upper Missouri, will defray but a very small portion of the expense. We must judge of the future by the past. The expense of the Yellow Stone expedition will afford us some data for forming an estimate of the expense of an expedition to the Falls of the Missouri. The expedition for Yellow Stone advanced no farther than Council Bluffs: yet the expense of transporting a small military force to that point has been enormous. The transportation of one hundred and forty-five tons of provisions, munitions of war, &c., by the steamboat expedition, one hundred and forty-five tons by the Jefferson, seventy-five tons by the Johnson, with three hundred troops, chiefly from the north of the Missouri, to Council Bluffs, cost the United States $255,000. There are other charges, to a very large amount, to be brought into the account; so that it may be estimated that the transportation of our troops to Council Bluffs, with all the necessary supplies, munitions of war, &c., cost us at about the rate of one thousand dollars per man. What, then, will be the expense of sending an armed force sixteen or seventeen hundred miles further up the river, with all the necessary supplies? Certainly much greater than could be balanced by any trade that could be established with the Indians. The difficulties and expenses of the expedition would increase in something like a geometrical ratio, as it should recede from our settlements; from which alone supplies could be obtained. The expense of maintaining a military post, in a situation so remote, would be enormous.

But the most exceptionable part of the bill is, not the protection of the fair traders, which is intended, but the protection of the hunters and trappers, which will be effected. These military posts multiply the points of collision with the Indian tribes, and must lead to wars with them. The hunters and trappers will be, and ought to be, resisted by them. Their rights to their buffalo, their beaver, and their game, are as sacred as our rights to our property. It would be as just in them to invade our territories and take off our cattle, as it would be, on our part, to take and destroy their beaver, and much less cruel. For, if our cattle are taken away, we soon raise more—not so with the beaver—once destroyed, or driven from a region, they appear there no more. Taking away their buffalo, their beaver, and their game, is striking at their very existence; they look with terror upon these hunters and trappers, as the instruments of their extermination. Can they be blamed for resisting them? And yet, when they do, it becomes necessary to chastise and subdue them; although it may be against the laws of humanity, the circumstances of the country require it. But every principle of justice and humanity requires that we should avoid and prevent the causes of provocation. Have there been no circumstances of aggression, which have provoked the late hostilities of the Indians? The facts before us will not warrant an answer in the negative.

General Ashley and Major Henry had a license to trade with the Indians. The laws prohibit their trapping and hunting in the Indian territories. To take with them a company of hunters and trappers among the Indians, against their will, was itself an act of aggression and hostility. General Ashley traded with the Arikaras for fifty or sixty horses, without a special license for that purpose. These were not necessary for the usual purposes of trade. His party consisted of ninety men—a much larger number than was necessary for the purposes of Indian trade; but not more than was necessary for the purpose of hunting and trapping. The Arikaras could not doubt but this expedition was fitted out for the purpose of hunting and trapping. Two of the Arikaras had been killed in an affray with the Missouri Fur Company; one of them, a son of a principal Chief of the tribe, which, notwithstanding their professions to the contrary, they had not forgotten. They treacherously attacked General Ashley's party, and killed, fourteen, and wounded nine of his men, for which they have been severely and justly chastised.

But, were the Indians not justified in their suspicions that this was an expedition for the purpose of hunting and trapping? Major O'Fallon, one of our Indian agents, had no doubt that a license had been granted to General Ashley and Major Henry, to trade, trap, and hunt, on the Upper Missouri. General Atkinson, in his letter of the 15th August, 1823, says, "A Mr. Smith, who came 'down with the proceeds of the trappers and hunt'ers of General Ashley, from the mouth of Yellow 'Stone, gives also some verbal news, to the follow'ing effect, viz: 'He left the Yellow Stone with 'Mr. Henry, with all the party under him, except 'twenty men, left in the fort at the mouth of the 'Yellow Stone."

Can any one doubt that the expedition under General Ashley and Major Henry was for the purpose of hunting and trapping, as well as for carrying on trade with the Indians?

What were the circumstances attending the Missouri Fur Company, under Immel and Jones, who were attacked and killed by the Blackfeet Indians? Were they innocent traders, or were they hunters and trappers, invading the Indian territories? T. F. Gordon, a young gentleman in the service of that company, in his letter of the 15th June last, says "It becomes my unpleasant 'duty to inform you of the defeat of our party by 'the Blackfeet Indians, and of the dire conse'quences of the same. After penetrating to the 'three forks of the Missouri, early in the Spring, 'although we found that country almost trapped 'out by the Indians, we had succeeded, by the 'greatest perseverance, in taking about —— packs 'of beaver. On the 16th of May, having reached 'the upper Three Forks of R. Jefferson's river, 'and finding no beaver in that quarter, we com'menced a retrograde march to the Yellow Stone," &c. These were certainly the most indefatigable, enterprising, persevering company of hunters and trappers that ever afflicted the Indian tribes. It would have been very satisfactory to know the number of packs of beaver taken by these trappers, but there is an unfortunate blank in the letter; the reason for withholding this information is not known. The Blackfeet Indians waylaid this company, and, says Mr. Gordon, "they rushed upon 'us with their whole force, pouring down from 'every quarter. Messrs. Immel and Jones both 'fell early in the engagement. A conflict thus 'unequal, could not long be maintained. The 'result was the loss of five other men killed, four 'wounded; the entire loss of all our horses and 'equipage; traps, beaver, and every thing." And shall it be said that the Missouri Fur Company are innocent, unoffending traders? On the contrary, have they not unnecessarily provoked these Indian hostilities?

It is said, these Indians sell their furs to the British traders. If so, it must be because those traders treat them more kindly than ours, give them a better price for their furs and peltries, and sell them goods at a cheaper rate. The Indians understand their interests as well as their rights, and when they can carry on their commerce with our traders with as much advantage as with the British, ours will be preferred. The British traders do not hunt or trap upon the Indian territories, within their boundaries. They gain the confidence of the Indians by acts of kindness, which ours ought to do, but which they never will do, while they rely upon an armed force to enable them to impose their own conditions upon the Indians.

We are told that the British traders come within our boundaries to trade with the Indians. If so, the means are sufficient, under our present laws, for their expulsion. We are also told that there is an armed force at Fort Douglass, on Moose river, within our boundaries. If there is such a force established there, under the Government of Great Britain, it ought to be made a matter of complaint against that Government. A remedy ought to be sought by negotiation.

If we can have a peaceful trade with the Indian tribes on the Upper Missouri, it ought to be maintained, even at great expense. If we cannot, in the name of humanity let it be abandoned. But the views of these fur companies are of a character decidedly hostile towards these Indians. Even the late expedition against the Ricaras seems to have been a war of the hunters and trappers against that tribe, in which the United States acted as allies. It was through the agency of the Missouri Fur Company that the Sioux were induced to take part against the Ricaras. Colonel Leavenworth marched against this tribe with 220 regular troops, 80 men of General Ashley's company, 40 of the Missouri Fur Company, and about four or five hundred Sioux Indians. The Ricaras, after their towns were battered about their ears, and many of their people killed, begged for peace. This, Colonel Leavenworth, as well as General Ashley, was willing to grant. Not so the Missouri Fur Company. They were determined to carry on the war, and the United States were under the necessity of making a separate peace. Upon this subject I will quote from Colonel Leavenworth's official letter:

"The Ricaras sent out and begged for peace. They said that the first shot from our cannon had killed the celebrated chief called Grey Eyes, who caused all the mischief; and that we had killed a great many of their people, and their horses. They were evidently very much terrified, and completely humbled. Being convinced of this, and supposing that the Government would be better pleased to have these Indians corrected than exterminated, and as the Sioux, amounting to about seven or eight hundred warriors, had left us, in a very strange and unaccountable manner, it was thought best, under all the circumstances of the case, to listen to the solicitations of the Ricaras for peace, especially as it was understood that our round shot were nearly all expended. Consequently a treaty was made with them, a copy of which is enclosed. In making this treaty I met with every possible difficulty which it was in the power of the Missouri Fur Company to throw in my way; and as Mr. Pilcher, their acting partner, had been appointed as special sub-agent to raise the Sioux against the Ricaras, he was able to give me great trouble."

Colonel Leavenworth, after stating the damage that had been done to the Indians, the number that had been killed, that they fled from their towns, and other circumstances, adds:

"On the morning of the 15th we placed the mother of the late chief, Grey Eyes, (an aged and infirm woman, whom they had left in their flight,) in one of the principal lodges of the lower village; gave her plenty of provisions and water, and left her in the quiet possession of the towns, and the property left by the Indians, except some corn, which had been taken for the subsistence of the men. At about 10 o'clock of the 15th the troops were embarked, to descend the river, and our guard withdrawn, and every soul removed from the villages, except the woman beforementioned. All the boats were got underweigh about the same time."

"Before we were out of sight of the towns, we had the mortification to discover that they were on fire. There is no doubt but they have been consumed to ashes; nor is there any doubt but that they were set on fire by one McDonald, a partner, and one Gordon, a clerk of the Missouri Fur Company."

"If the nation has been deprived of the advantages which might have resulted from the magnanimity of her troops, towards a fallen and humbled enemy, it is chargeable to that company, or to those individuals who set the towns on fire. Had not this been done, there is no room to doubt but that the Ricara Indians would, in future, have behaved as well towards our countrymen, as any other Indians on the river. It is now my deliberate opinion that those Indians will be excited to further hostilities, if in the power of the Missouri Fur Company to effect it."

Such are the means by which the Indians are provoked to hostilities by the hunters and trappers who traverse their country. If this system is to be pursued, I am utterly averse to placing any military force higher up the Missouri than Council Bluffs. This is three hundred miles in advance of the Western boundary of the State of Missouri—far enough for the protection of our frontier settlements—far enough for all the purposes of fair trade.

Mr. BENTON replied. He imputed the remarks made by the Senator from New Jersey to his want of information upon the subject. He stated that the title of the bill had reference to the effect of the whole Treaty of Ghent, because that treaty did not revive the 3d article of Mr. Jay's treaty. In this respect alone, the Ghent treaty was worth, to the Western States, all the blood and treasure which the late war had cost them. But how was it to be executed against British traders? The President, as executor of the laws, was bound to carry the treaty into effect. How? By going to the Northwestern frontier in person to keep out Englishmen? No, sir; but by sending troops: and this is what the bill proposes, and what has been intended by two successive Administrations.

The Senator from New Jersey has read from Major Long's Journal, to show that the country beyond the Mandan villages was barren, sterile, and unfit for cultivation. Without opposing other authority to this description of the country, Mr. B. would ask for the application of the fact, taking it to be as stated by Major Long; was it an argument against the bill? Not at all. To the contrary, it was in favor of it: for it was not the intention of the bill to send out an agricultural colony, but a military post, to protect the fur trade; and, the more uninhabitable, inaccessible, and mountainous the country, the better it was for the furred animals, and the better theatre it presented for the trader.

The Senator objects to sending a post to the Falls of Missouri. Well: the bill does not name the Falls, or any other point. It leaves it to the President to station the troops at such point on the Upper Missouri, as will accomplish the objects intended. It would be wrong to name a precise point in the bill. Congress have their duties assigned them by the Constitution; and the President has his, prescribed by the same high authority. It is the business of Congress to vote the troops and the supplies; it is the right of the President to employ them where the public service may require their presence. The mouth of the Yellow Stone river will probably be the point. That name has become unpopular; but, in exciting public odium against it, it may be well to look to the origin of its selection. It was selected by Lewis and Clark, on their return from the Pacific Ocean, as the proper point for commanding the rich fur trade of the Rocky Mountains. It was approved by the Administration in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. Recollection of these facts will show that gentlemen miss the mark when they condemn those who now endeavor to carry a post to the mouth of the Yellow Stone. But the distance is still objected to. Eighteen hundred miles beyond the Mississippi makes, indeed, an appalling sound. But that is by water, following the bends of the river. The Rocky Mountains are but nine hundred miles from the Mississippi; and a post at the Yellow Stone will be within supporting distances of the Falls of St. Anthony and the Council Bluffs. The smallness of the amount required for the transport of the troops is objected to; doubtless the objection would also come if the amount was large. But the accuracy of the estimate is disputed. Thirteen thousand dollars is said to be too little for the object. I answer, that the estimate is made by the Quartermaster General, upon the basis that the troops will move in their own boats. It is supported by the fact that the expedition of Colonel Leavenworth cost but $4,000. Every one acquainted with the movement of troops upon the Western rivers in their own boats, can bear witness to the smallness of the sums required for such expeditions. But it is said that the troops cannot be sustained after they are carried to the post. Such a statement derogates from the power of this Government. Look to the British companies. They have upwards of three thousand men in their service, stretched across the continent, from the frontiers of Canada to the mouth of the Columbia river, occupying a line of posts farther north than the mouth of the Yellow Stone, in a climate more inhospitable than on the banks of the Missouri, and without the advantage of a direct communication by water, either with each other, or with the settlements in Canada. Yet these three thousand men are sustained; some of the posts they occupy have been kept up for forty years; all this has been done by a company of fur traders; and shall it be admitted that the power of the United States is inadequate to the support of four companies upon the Upper Missouri? But why object to a distance of one thousand eight hundred miles—to an expense of $13,000, when we send a ship of war annually to the coast of Africa, three thousand miles, and vote $50,000 per annum to protect our deported negroes from the depredations of their fellow-countrymen? Gentlemen suppose that an exhibition of force is not necessary among these Indians. They labor under a great mistake. The savage respects power, and nothing else. The Arab of the desert, and the Blackfoot of the Saskatchiwoine, act upon the same principle. Each considers the merchant and the traveller as his lawful prey, and they kill and rob him if they can.

Mr. **Dickerson** conceived it his duty to answer to some part of the remarks that had just been made. He was not the eulogist of the British traders, or British fur companies. He had said, that, if the Indians prefer trading with them, it is because their confidence is gained by kind treatment and fair dealing. As to the hostile views of those traders and companies towards us, he had said not one word. He had not attempted to justify them. As to the quarrels between the rival British fur companies, they are of no importance to us. If they make war upon each other, it is their concern, not ours. If they murdered Governor Semple, that was no act of hostility towards the United States, nor towards the Indians. It has no bearing upon the subject before the Senate.

I do not think the killing of the two American Indians has been satisfactorily accounted for. Surely they were not killed because there had been hostility between Governor Lewis and some of the tribes of Indians, or because it had been necessary to smuggle a Mandan chief around the Ricara villages, fifteen or sixteen years ago; or because twelve men had been killed, under Lisa, long since. It is probable they were killed in some attack which they were rash enough to make on the trappers and hunters of the Missouri Fur Company. The Ricaras probably thought that their young men were justifiable; and, although they professed to have forgotten and forgiven the supposed injury, it is very evident they had done neither.

Information of the circumstances which I have stated, to show that General Ashley and his company, as well as the Missouri Fur Company, were engaged in trapping and hunting in the Indian territories, was not derived from the letter from the West, published in all our papers, and which the gentleman from Missouri asserts was a tissue of falsehoods. It was derived from a source entitled to the highest respect. It was derived from the documents transmitted to us by the President of the United States, with his message of the 2d of December last. The part respecting General Ashley, is in a letter of General Atkinson, page 83, of those documents—and the part respecting the Missouri Fur Company, in page 71 of those documents; in a letter from William Gordon, upon whom the gentleman from Missouri has pronounced the highest eulogium. What was said of the interference of the Missouri Fur Company, to prevent a peace with the Ricaras, and of the burning their towns, by this same Mr. Gordon, and a Mr. McDonald, may be found in the same document, page 95.

The system of intercourse with the Indian tribes lately pursued is radically wrong. The British trading and fur companies are not supported by the armed force of the British Government; they have no means of insuring success but by treating the Indians kindly, and dealing with them fairly. When our traders do the same, they will meet with equal success.

Mr. **Smith** spoke in favor of allowing more time for investigation and inquiry, and was opposed to the passage of the bill at the present time.

Mr. **King**, of New York, said, he believed, if we intended to invade the country of the Indians with a military force, we ought to hold a treaty with them, and obtain their consent to the measure. We had no right to do it without their consent. He requested the gentleman from Missouri to give him some information upon this subject. He wished to know, also, if the Indian tribes had not a right to conquer and occupy each other's territory. If the tribe of Blackfeet had come from Canada, and conquered and taken possession of the country of another tribe, he wished to know what right the United States had to interfere in the business. He wished to be informed, too, whether we have any right to prevent those Indians from going where they choose—into Canada, or elsewhere—to trade for their furs. These were important questions upon these points—and Mr. K. said, he believed there had never been any correct understanding on the subject. He presumed there was no distinct law respecting it. These Indian tribes do not come within our jurisdiction; our laws do not control them—even when they commit murders, they are not amenable to our laws. It has always been the practice of the Indians to go from one country to another; it is their habit to wander over the wilderness, from place to place. Mr. K. said, he wished to see the *principle* by which we were going to make provisions like those contained in this bill. We must make some treaty with the Indians before we can do it. Can we send a military force into their territory without their consent? Mr. K. believed we had never yet done it. We have power to make arrangements with them for the security of our trade with them—but this bill does more—it goes to restrain their trade, and exclude all others from it but ourselves. Mr. K. said, he would agree to all the other provisions of the bill, but that which provided for the sending of troops into the Indian countries. He must know more about it before he would consent to that. He had merely suggested these ideas, to call forth further information on the preliminary ground, as to our right to take the course proposed in the bill. He wished, also, to know what prohibitions were to be introduced, to regulate our trade with the Indians.

Mr. BENTON rose to answer the questions proposed to him by the Senator from New York. It had been the practice of the Government to establish military posts in the Indian country without their consent. The practice had obtained under every Administration. All the frontier States and Territories were full of examples. Without going into an enumeration of instances, which might be forgotten and disputed, he would state one, known to us all, sanctioned by us all, and up to the point of the gentleman's inquiry—he alluded to the post at the Council Bluffs. It was established four years ago, under the orders of the President, and had secured the annual sanction of both Houses of Congress, in annual appropriations to its support. Yet this post was established upon Indian territory, without their consent, and is maintained without it. Further, Mr. B. said, the Senate, in its capacity of adviser to the President, in his treaty-making power, had decided the same question. He spoke of the Senate's refusal to ratify the treaty made to extinguish the Indian title to fifteen square miles of territory to include the fort and fields at the Council Bluffs. The injunction of secrecy had been removed from the Senate's proceedings upon that treaty. The Journal would show that the distinguished Senator from New York had voted against its ratification. His own high authority might, therefore, be quoted against himself, in answer to the first question which he had put. In addition to all this, may be quoted the provisions of the act of 1802. It is our code of Indian laws, enacted under the Administration of Mr. Jefferson, and turns, in every clause, upon the assertion of the principle that the Indians are not independent nations; that our jurisdiction extends over their soil, and over their acts; and that our troops may be sent into their country, without their consent, as often as our policy requires it to be done.

The second interrogatory put by the Senator from New York, related to our right to interfere in the affairs of the Indians "among themselves." Mr. B. said, that there was no part of the bill, under discussion, which asserted such a right, or proposed to exercise it. He, therefore, claimed the indulgence of the gentleman from New York, in declining to answer a question not relevant to the matter in hand.

The third interrogatory inquired for the terms, prohibitions, and regulations, proposed to be put into the projected treaties. Here again, Mr. B. adverted to the separation of power between the Congress and the Executive. We vote the appropriation for defraying the expense of holding the treaties; the President conducts the negotiations. If treaties are made, the Senate's power over their stipulations then commences. It can refuse to ratify, if it disapproves. The bill on the table was sufficiently indicative of the object of the treaties, by the description of "trade and friendship." All the rest is given, by the Constitution, to the Executive authority.

Mr. KING, of New York, dissented entirely from the observations made by the gentleman from Missouri. He (Mr. K.) did not believe there was any authority whatever, for placing a military force in the Indian country, in a time of peace. In his opinion, we had no right to do it. He had never voted for carrying troops there. The treaty to which the gentleman alluded, was rejected upon other grounds. If we are at war with the Indians, Mr. K. said, it would be different; but, while we remain at peace with them, we have no right to adopt such a measure.

Mr. HOLMES, of Maine, said he must confess he was somewhat ignorant of this subject. Members could not be supposed to be able to inquire into, and inform themselves upon every subject, before it came up for discussion. He believed his honorable friend from New Jersey did not deserve the censure bestowed upon him by the gentleman from Missouri. It was not wonderful that he was not as well acquainted with the subject as that gentleman. If it had been a bill respecting the cod or mackerel fishery, Mr. H. apprehended that the gentleman from Missouri himself would not have understood the business so well as he appeared to at present. Mr. H. was apprehensive that the whole story was not told. Every thing that was said, in relation to our affairs with the Indians, was on one side. The poor Indian has no one here to speak for him. There is nobody to tell us when the United States are wrong, and the Indians are right. The gentleman from New Jersey has produced some official facts on the subject, which remain yet unanswered. Mr. H. believed the transactions of General Ashley were not altogether right on his part. He said he was in favor of the indefinite postponement of this bill; but, as gentlemen seemed to prefer that it should lie on the table, he would not propose its postponement. He understood the object of the bill to be, to protect our trade with the Northwestern Indians, by a military force. This subject had once been fully discussed and settled, if not in this House of Congress, it had in the other, when the Yellow Stone Expedition was under consideration. It was then settled. The principle agreed upon was, that protection should be furnished to our actual settlements, by posting troops in advance of them; but that the traders who were in advance of those posts should be left to protect themselves. He would say one word on the subject of advancing a military force into the Indian country without their consent. While we recognise them as sovereign powers, and treat with them, we have no right to do it. We certainly ought not to carry a military force among them, while we admit their competency to make treaties. As long as we allow them that right, we ought to respect them. If we have a right to take one acre of their land, for the establishment of a military post, we have a right to take ten, twenty, or thirty acres; and we may thus take their whole territory. Have we a right to exercise this power so long as we acknowledge their right to treat with us? Mr. H. adverted to the treaty made at the Council Bluffs, which had been spoken of. He said that treaty neither asserted nor denied our right to establish military posts in the Indian territory. The treaty was rejected, because it was not made by the lawful authority. It had no bearing on this question. He would either make no treaties with the Indians, or he would use them as we do other nations, with whom we treat. How would any European nation like it, if we were to march a military force into their country? If we admit their right to treat, we have no right to advance a military force into their country, in time of peace. It had been our policy to restrict our forces to a certain distance beyond the actual settlements. Mr. H. had no faith in the economy with which the gentleman from Missouri had supposed this transaction would be completed. If we establish this post, we shall have an estimate from the Secretary of War, the next year, for additional appropriations for its support. He (Mr. H.) was not inclined to trust entirely to the statement of the expense, which had already been furnished. Intermediate posts would be required, for the support of this. It would require at least two regiments of troops. This would take too large a proportion from our small Army. When these objections were taken into consideration, he trusted the bill would be rejected.

Mr. BARTON then offered a new section, by way of amendment, as a substitute for the third section of the bill. The amendment was ordered to be printed; the bill was laid upon the table.

And on motion, the Senate adjourned until to-morrow.

THURSDAY, April 1.

Mr. LOWRIE presented the petition of A. V. Mattson, representing that he has been for nearly eight months, and now is, confined in the jail of Alleghany county, in the State of Pennsylvania, for debt, which he is unable to pay; that, by the absence from the State of the district judge, he is precluded from the benefit of the insolvent law; and that the act passed at the present session of Congress for his relief is defective; which he prays may be remedied. The petition was read, and referred to the Committee on the Judiciary.

Mr. L. also submitted documents in relation to the surveys and sales of the public lands; and they were ordered to be printed.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act to amend an act entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia;'" and concurred therein.

The engrossed bill altering the times of holding the courts in the District of Columbia, was read the third time, and passed.

The bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes, was read the third time, and passed.

The bill for the relief of Thomas Shields was read the second time.

INDIAN RESERVATIONS IN GEORGIA.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia, entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits, on the conditions therein specified. By the 4th article of that compact, it was stipulated that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to all the lands within the State, as soon as it might be done peaceably and on reasonable conditions. These papers show the measures adopted by the Executive of the United States, in fulfilment of the several conditions of the compact, from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased, and sums paid for the lands they acquired. They show, also, the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe, without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid, and the lands acquired during their respective terms, in fulfilment of its several stipulations, are a full proof. I have also been animated, since I came into this office, with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that, by the establishment of these tribes beyond the Mississippi, their improvement in civilization, their security, and happiness, would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the Chiefs of the Cherokee nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States, by the compact with Georgia, to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system, of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them, at the same time, to procure and convey to them territory beyond the Mississippi, in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal, their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that, at the present time, and in their present temper, they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their title should be extinguished at the expense of the United States, when it may be done peaceably and on reasonable conditions, is a full proof that it was the clear and distinct understanding of both parties to it, that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and in consequence, within the limits of any State, the United States have duties to perform, and a character to sustain, to which they ought not to be indifferent. At an early period, their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be, on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of Government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their Government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a Government founded on our principles, if such a change were compatible either with the compact with Georgia, or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity, of such State. But all these evils may be avoided, if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters; the relations between the United States and such Indians would still be the same. Considerations of humanity and benevolence, which have now great weight, would operate, in that event, with an augmented force; since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization, and in all the arts and usages of civilized life, would become the part of a general system, which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive, and the moneys which have been placed at its disposal, have been so applied, in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Congress, under a high sense of its importance, and of the propriety of an early decision on it. This compact gives a claim to the State, which ought to be executed, in all its conditions, with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest, not called for by the compact, nor contemplated by either of the parties, when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians, repugnant to the judgment, and revolting to the feelings, of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go, under it. I submit it with equal confidence, that you will also weigh the nature of the Indian title to the territory within the limits of any State, with the stipulations in the several treaties with this tribe, respecting territory held by it within the State of Georgia, and decide whether any measure, on the part of Congress, is called for at the present time, and what such measure shall be, if any is deemed expedient.

JAMES MONROE.

WASHINGTON, *March* 30, 1824.

DEPARTMENT OF WAR, *March* 29, 1824.

SIR: In obedience to your order, directing me to furnish a statement of the facts and circumstances connected with the execution of the fourth article of the convention between the United States and Georgia, of the second of April, 1802, in which the former stipulates "to extinguish, at their own expense, for the use of Georgia, as early as the same can be peaceably obtained, upon reasonable terms, the Indian title to the lands lying within the limits of that State," I have the honor to make the following report:

By the convention above referred to, Georgia ceded to the United States all the lands lying south of the State of Tennessee, and west of the Chatahoochee river, and a line drawn from the mouth of the Uchee creek direct to the Nicojak, on the Tennessee river. In consideration of this cession, the United States stipulated to pay the State of Georgia $1,250,000, and obligated themselves, in the manner above stated, to extinguish the Indian title within the limits of the State. The convention also provides for the adjustment of the Yazoo claims, which were afterwards provided for by the act of Congress, approved March 31, 1814.

At the date of the convention, the Indians owned, within the limits of Georgia, 25,980,000 acres, of which 19,578,890 acres belonged to the Creeks, and 7,152,110 acres to the Cherokees, which tribes owned, besides, a considerable extent of country in the States of Alabama, Tennessee, and North Carolina. Between both of those tribes and the United States there were subsisting treaties, at the time of the date of the convention, which, among other things, fixed the limits of their respective territories, and guarantied to them the lands within those limits. (See 1st vol. United States Laws—treaty with the Creek Indians, p. 361, art. 5. Treaty with the Creeks, ratified 7th August, 1790. Same, page 327, treaty of Holston, 1791, art. 7. Same, page 332, treaty of 1798, near Tellico, articles 1 and 2.)

In fulfilment of the stipulation of the fourth article with Georgia, there has been held seven treaties with the Creeks and Cherokees; of which five were with the former; two of which were previous to the late war with Great Britain, in 1812, and three since. By the two preceding the declaration of war, there were ceded to Georgia 2,713,890 acres, and by the three latter, 11,735,590 acres, making together 14,748,690 acres. With the Cherokees, there have been held two treaties, both since the late war, by which Georgia has acquired 995,310 acres, which, added to that acquired by treaties with the Creek nation, make 15,744,000 acres, that have been ceded to Georgia since the date of the convention, in fulfilment of its stipulations.

In acquiring these cessions for the State of Georgia, the United States have expended $958,954 90; to which should be added, the value of 995,310 acres, which were given in exchange with the Cherokees, on the Arkansas river, for a quantity ceded by the Cherokees to Georgia, by the treaties of 1817 and 1819, which lands, estimated at the minimum price of the public lands, would make $1,244,147 50. If to these we add the sum of $1,250,000, paid to Georgia under the convention, and $4,282,151 12½, paid to the Yazoo claimants, it will be found that the United States have already paid, under the convention $7,735,243 52½, which does not include any portion of the expense of the Creek war, by which upwards of seven millions of acres were acquired to the State of Georgia.

The United States have ever been solicitous to fulfil, at the earliest period, the obligation of the convention, by the extinguishment of the Indian titles within the limits of Georgia; a most satisfactory proof of which may be found in the number of treaties which have been held for that purpose, the quantity of lands which have been acquired, and the price paid. In fact, such has been the solicitude of the Government, that but little regard has been had to the price, whenever it has been found possible to obtain a cession of lands to the State. The price given has far exceeded that which has ever been given in other purchases from the Indians.

I feel satisfied that it may be asserted, with confidence. that no opportunity of extinguishing the Indian titles, "on reasonable terms," has been neglected to be embraced by the United States.

It may be proper to notice, more particularly, the treaty of Fort Jackson, of 1814, with the Creek Indians; and those of 1817 and 1819, with the Cherokees, as, under those treaties, lands were ceded, not only within the limits of Georgia, but also in the neighboring States of Alabama, Tennessee, and North Carolina, which may require some explanation.

It may be proper to premise, that, previous to the late war, the four most powerful and numerous tribes of Indians, the Creeks, Cherokees, Chickasaws, and Choctaws, lay contiguous to one another, and were situated on the weakest portion of our frontier. They contained, at the period referred to, a population of between sixty and seventy thousand, and could raise at least 15,000 warriors. During the late war with Great Britain, great anxiety was felt in relation to those numerous and powerful tribes, and, although all, except the Creeks, remained at peace, it is believed there was a strong tendency towards hostility among some of the other tribes. The Creeks commenced hostility at a critical period of the war, and created a powerful diversion of our resources, both of men and money; but, by a vigorous prosecution of the war, they were reduced, after many and severe losses. The treaty of Fort Jackson followed. They were a conquered people, and treated as such; and such terms were imposed as considerations of public policy dictated.

The advantage that would result by separating those powerful Southern tribes from one another, and from the Territory of Florida, at that time a foreign province, were among the most obvious dictates of policy, as it would effectually guard against the possible future combination of those tribes, and prevent the liability to hostility, which almost invariably results from the intercourse of Indian tribes with a foreign territory. The Creek Indians were required to make the cession of lands to the United States, in such a manner as to effect those important objects; and, accordingly, the United States acquired a large cession in what is now the State of Alabama, which separated the Creeks and Cherokees from the Chickasaws and Choctaws; and a cession, in the southern part of Georgia, which separated the Creeks from the province of Florida.

It was not conceived that there was any thing in the stipulation of the convention with Georgia, which prevented the United States from pursuing those views of national policy. The obligation of the United States extends only to the purchase of lands within the limits of Georgia, so soon as it could be done upon "peaceable and reasonable terms." The lands were acquired by conquest, and not by purchase, which left the nation at liberty to pursue those views of policy which have been stated, and which, it is believed, has tended strongly to give security and strength to the most vulnerable portion of the country.

In noticing the treaties of 1817 and 1819, it may be proper to premise that, as far back as the year 1804, a delegation from the Cherokee nation, then at the Seat of Government, were informed by Mr. Jefferson, if the Cherokees, or any portion of them, thought proper to emigrate to the Arkansas, they should receive as much land as they were entitled to in proportion to their numbers, on the east of the Mississippi. Under the sanction of this promise, and tempted by the abundance of game, emigration continued from the Cherokee nation, in small parties, to the Arkansas, until 1817. The number being then considerable, a commission was constituted to treat with the Cherokee nation, on the basis of the arrangement made by Mr. Jefferson, which was followed by the treaty of the 8th July, 1817, which, among other things, stipulated that a census of the Cherokee nation should be taken in June following, and that a portion of the country should be ceded to the United States, equal to that which those who emigrated to the Arkansas were entitled to; that is to say, if it was found that one-third had emigrated, one-third of the territory should be ceded, and so in any other proportion, according to the number that should emigrate. To carry the treaty into effect, Congress appropriated, by the act of the 20th April, 1818, the sum of $80,000, in order to defray the expenses that might be attendant on the emigration of the Cherokees to the Arkansas; and Joseph McMinn, Esq., then Governor of Tennessee, was appointed agent to carry the treaty into effect. It was found, however, impossible to take the census as proposed by the treaty, in June, and various causes delayed its final execution until the beginning of the year 1819. In the meantime, the emigration of the Cherokees was incessantly urged by all the means in possession of the Government.

It was the desire of the Government that the whole nation should emigrate, under the belief that it would be better for the Indians, as well as ourselves; and no effort on the part of the Government was left untried to induce them to emigrate. A large portion of the nation, however, were so decidedly opposed to it, that it was found impossible to carry this policy of the Government into effect.

The appropriation being finally exhausted, a delegation of the Cherokee nation was permitted to visit the Seat of Government in 1819, in order to close the treaty of 1817. It was ascertained that about one-third part of the nation had emigrated, or enrolled to emigrate, to the Arkansas; and the delegation proposed to treat upon that basis, which was acceded to. It only remained to fix on the portion of territory to be ceded. With the view of throwing the land to be ceded within the limits of Georgia, and to separate the Creek and Cherokee nations, the Government proposed, that all the lands lying south and east of Etowah, one of the main branches of the Coosa river, should be ceded by the Cherokees; but it was found impossible to induce the delegation to yield to that proposition, or to any other, more favorable to Georgia, than that which was adopted. They were fixed in their determination, particularly, not to be separated from the Creek nation, by an intervening white population, and to cover their northern boundary by the Tennessee river, which necessarily threw the cession, made by the treaty, into Alabama, Tennessee, and North Carolina, as well as Georgia. Since the treaty of 1819, two attempts have been made, under appropriations of Congress, to open a negotiation with the Cherokee nation, for further cession, both of which have proved abortive.

During the present Winter, a delegation of the principal chiefs of the Cherokee nation visited the Seat of Government, and the opportunity was seized to make known to them the sentiments of the Government, upon the subject of additional cessions, in order to fulfil the stipulation of the convention with Georgia.

It cannot be doubted, that much of the difficulty of acquiring additional cessions from the Cherokee nation, and the other Southern tribes, results from their growing civilization and knowledge by which they have learned to place a higher value upon their lands than more rude and savage tribes. Many causes have contributed to place them higher in the scale of civilization than other Indians within our limits. Lying in large masses, they do not feel that depression, which is invariably felt by small and detached tribes in the neighborhood of the whites. In addition to which, we may add the genial nature of their climate, which enables them to pass more readily from the hunter to the herdsman state; and the fertility of their soil, and the value of their staple articles, particularly cotton. To these, however, must be added the humane and benevolent policy of the Government, which has ever directed a fostering care to the Indians within our limits. This policy is as old as the Government itself; and has been habitually and strongly extended to the Cherokee nation.

By the fourteenth article of the treaty of Holston, in the year 1791, it is stipulated, "that the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish, gratuitously, the said nation with useful implements of husbandry; and, further to assist the said nation in so desirable a pursuit, and, at the same time, to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation, as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees, for cultivation, for themselves, and their successors in office; but they shall be precluded exercising any kind of traffic."

In conformity to the provisions of this article, the various utensils of husbandry have been abundantly and constantly distributed to the Cherokee nation, which has resulted in creating a taste for farming, and the comforts of civilized life. This humane policy of the Government, since the termination of the late war, has taken, in some degree, a new direction. Certain benevolent societies, in the year 1816, applied for permission to make establishments among the Cherokees, and other Southern tribes, for the purpose of educating and instructing them in the arts of civilized life. Their application was favorably received. The experiment proved so favorable that Congress, by the act of 3d March, 1819, appropriated $10,000, annually, as a civilization fund, which has been applied in such a manner as very considerably to increase the extent and usefulness of the efforts of benevolent individuals, and to advance the work of Indian civilization.

In performing the high duties of humanity to the wretched aborigines of our country, it has never been conceived, that the stipulation of the convention with Georgia, to extinguish the Indian title within her limits, was contravened. The Government has been actuated solely by a desire to perform the obligation, which considerations of humanity imposed on us, in relation to these unfortunate people. Their situation, at best, is wretched, and can only be rendered tolerable, by the perpetual exercise of that humanity, kindness, and justice, which has ever characterized the acts of the Government, towards them.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE U. S.

[Accompanying this report, are nearly a hundred pages of documentary matter, from which the following is selected as presenting the view of the subject which is entertained by the Representatives of the State of Georgia.]

To the President of the United States:

The Secretary of War has addressed to the gentlemen composing the Georgia delegation to Congress, copies of the extraordinary documents furnished by persons who are called the *Cherokee Delegation*. As this is believed to be the first instance in which a diplomatic correspondence has been held with *Indian Chiefs*, and in which they have been addressed by the Department of War in the same terms with those used to the Representation of a State, it becomes a subject of inquiry in what light the Cherokees are at present viewed by the Government of the United States. If as an independent nation, to be treated with by all the forms of diplomatic respect, the negotiation with them should be transferred to the Department of State, and will, no doubt, be preceded by a proper examination into their authority to speak for the Cherokee tribe, on matters affecting its prosperity and existence. If to be viewed as *other Indians ;* as persons suffered to reside within the territorial limits of the United States, and subject to every restraint which the policy and power of the General Government require to be imposed upon them, for the interest of the Union, the interest of a particular State, and their own preservation, it is necessary that these misguided men should be taught by the General Government that there is no alternative between their removal beyond the limits of the State of Georgia and their extinction. The Government of the United States will deceive them grossly if they are led to believe that, at this day, *their* consent is necessary to the fulfilment of *its* obligations to the State of Georgia. Their will must yield to the paramount duties of the General Government to *itself* and to *each member* of the Confederacy. The Cherokees allege (if, indeed, the representation made is made with their authority) that they are resolved neither to leave nor sell their lands on which they reside—lands which belong to the State of Georgia; over which Georgia did claim sovereignty until the adoption of the Federal Constitution, and over which she will exercise her powers whenever any Administration of the General Government resolves to fix permanently upon them any persons who are *not*, and whom she will never suffer to *become*, her citizens. The doctrines of the General Government, sanctioned by the highest tribunals, vindicate the claim of Georgia to the ownership of the soil. The Indians are simply *occupants*—tenants at will—incapable of transferring even their naked possession, except through the instrumentality of the United States, to the State of Georgia. Aware of the tenure by which their temporary possession is held, their head men have sought, in many instances, to secure from the United States a title to the soil itself. Stipulations have been entered into by the General Government equally contradictory to rights of Georgia, and the obligations of the United States; stipulations, however, which show that the General Government have the acknowledged right to transfer the possession of the Cherokee lands to the State of Georgia. The power which takes from the Cherokee *tribe* a portion of soil to confer it on a Cherokee *chief*, under a different tenure, can rightfully take from the Cherokee nation for the benefit of a State.

It is with deep concern that the necessity is felt of pressing upon the General Government the considerations that are due to its character for good faith in its contracts with a member of the Union. Since the year 1802, implicit reliance has been placed in the General Government; and the just expectation has been indulged that, in the execution of its high duties, the Executive administration would carefully and steadily pursue the object for which the faith of the Union was pledged—the peaceable extinguishment, on reasonable terms, of the Indian title to all the lands within the territorial limits of Georgia. In 1817, the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the lands possessed by the Cherokee tribe eastward of that river in the States of North Carolina, Tennessee, and Georgia, and in the Territory of Alabama, would be soon acquired, gave a just expectation that the national pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized everywhere but in Georgia. The successive purchases made since that period have crowded the Cherokees out of Tennessee, North Carolina, and Alabama, almost altogether into Georgia; and the terms upon which they have been made, have created all the difficulties now encountered in the peaceful acquisition, on reasonable terms, of the lands upon which the Cherokees are now permitted to remain; difficulties which are every hour increasing, from the policy pursued by the General Government.

It is with all due respect a subject of serious inquiry, what produced the extraordinary change in the wishes of the Cherokee tribe, as expressed in the treaty of 1817? How it happened that the Cherokees of the upper towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were induced, in 1819, to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi, while the Cherokees of the lower towns, (most of them within the State of Georgia) anxiously desiring to remove in 1817, were, in 1819, tempted to remain, and filled with the desire of a permanent establishment there? The same exertions which produced this, can effect another change; can induce the remnant still in the limits of Georgia, to follow their brethren to the West, to a territory which the General Government can rightfully bestow upon them as a temporary or permanent property, without interfering with the right or encroaching upon the sovereignty of any State. Argument is not necessary to show, that a Power which interposes obstacles to the accomplishment of its own promises, violates its faith; and that, to plead the impossibility to perform an engagement when that impossibility is produced by those who engaged to perform it, would be equally dishonorable and hypocritical. The President is probably not aware that the United States will be liable to such accusations, if the present moment is suffered to pass without a full compliance on their part, with the obligations of the treaty of cession of 1802. What has created the strong desire of the Cherokee Indians to remain where they are? The policy of the General Government; the pretended guarantees of their possessions; the attempted changes in the nature of their titles to them; the lessons received from their masters in the arts of civilized life; the acquisition of property and the desire of extending and securing it; a policy just and generous to the Indians, but solely at the expense of a member of the Union; at war, not less with the rights of that member of the Union, than with the solemn promises of the General Government. The United States have the same right to colonize a tribe of Indians from the Columbia or Red river, in Georgia, as they have to pursue a system of policy whose aim or end shall be the permanency of the Cherokees within that State.

If the Cherokees are unwilling to remove, the causes of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory beyond the limits of Georgia, and giving an ample equivalent for the Territory left by them, and an ample support to the territory granted to them. An order of this kind will not be disregarded by the Cherokee tribe, whose interest will be essentially promoted by a compliance with it, (whatever may be the effect of it upon a few chief men, who seem to consider their own interest as separate and distinct from that of their brethren,) as it must be obvious that a tranquil and undisturbed possession of a permanent property can alone enable them to acquire the arts of civilized life, and to secure to them its benefits.

Our duty is performed by remonstrating against the policy heretofore pursued, by which the interests of Georgia have been disregarded, to the accomplishment of other objects of general interest; and a compliance with a solemn promise postponed, for the acquisition of territory for the General Government; and by insisting, as we do, most earnestly, upon an immediate fulfilment of the obligations of the articles of cession, concluded in 1802, as the only means by which justice can be done to the State we represent, and the character of the General Government be vindicated.

J. ELLIOTT,
N. WARE, *Senators.*
JOEL ABBOT,
GEO. CARY,
TH. W. COBB,
W. CUTHBERT,
JOHN FORSYTH,
WILEY THOMPSON,
Representatives.

WASHINGTON, *March* 10, 1824.

The Message was read, and laid on the table.

PURCHASERS OF PUBLIC LANDS.

The Senate, as in Committee of the Whole, then proceeded to consider the bill "for the relief of purchasers of public lands."

Mr. KING, of Alabama, proposed sundry amendments to the details of the bill. Some cursory remarks were made upon these amendments, by Messrs. CHANDLER and KING, of Alabama, and the amendments were agreed to. Mr. KING, of Alabama, then moved to strike out the second, third, and fourth sections of the bill. Mr. RUGGLES was in favor of retaining the second section; and Mr. KING withdrew his resolution, in order to give way to an amendment proposed by Mr. RUGGLES; upon which some discussion took place between Messrs. RUGGLES, KING, of New York, LOWRIE, NOBLE, and KING, of Alabama, and it was then adopted. Mr. KING, of Alabama, then renewed his motion to strike out the third and fourth sections of the bill; which was agreed to.

The bill was then reported to the Senate; the several amendments made in Committee of the Whole were concurred in; and the bill was postponed, and made the order of the day for tomorrow.

CLAIMS AGAINST THE UNITED STATES.

On motion of Mr. TAYLOR, of Virginia, the bill "providing for the settlement of pecuniary claims against the United States," was taken up for consideration.

Mr. TAYLOR, of Virginia, spoke in support of the bill. He adverted to the numerous evils of deciding private pecuniary claims against the United States in Congress—he conceived that it could not be difficult to find a remedy. There was no individual who must not be convinced of the impropriety of deciding trivial claims by Congress. Such trials diminished the dignity of the Legislature, and would be likely to avert from it the affections of the people. It would save the time of Congress, to be directed to higher objects, such as the important reports from the different offices. Matters of importance were so mingled up with trivialities, that sufficient attention was not paid to them. It had been suggested that a board of commissioners ought to be appointed for this purpose. This plan was not liable to so many objections as their trial by Congress, but this would have its attendant evils. At present, rejected claims cost more than those which are allowed. Many are acknowledged to be bad; but yet, year after year, they are before Congress. In this respect a board of commissioners would be better than Congress. It is said that the people have always a right to petition Congress. He denied the position. To obtain the passage of general laws they might have that right; but not to make repeated appeals on private claims. He spoke of the practice in courts of justice, where claims, when once decided, could not again be brought up. It was not consonant with the principles of liberty to allow these *ex parte* trials; in which a case was too often gained by teasing, rather than by its justice. The practice was, as Mr. T. thought, at variance with the Constitution. The United States could not prefer a petition to Congress, to obtain pay of an individual. One party, then, had a recourse which the other had not. This court ought to be equally open to all parties.

Mr. T. then took up the bill and read it, section by section, to show the merits of each.

The first section provides, that every claimant against the United States shall have the right to bring forward all his claims, whether legal or equitable, in any district or circuit court in the United States. Mr. T. held that this would be much better for the claimants—they would be tried at home—and, although there would be no impartiality or incongruity in the judgments, yet equal justice would be done. Justice would also be done to the United States. The accounts must be first submitted to the accounting officers, and if the claimant afterwards should see fit to bring an action, in the nature of a suit of chancery, he may do it, and that court is to be furnished with a statement from the Secretary of the Treasury, of the reasons upon which the claim was rejected by the Department.

The second section provides, said Mr. T., a substantial regulation for the attainment of justice, the witnesses in the case are to be regularly examined and questioned by the Attorney General, an impartial person. This, Mr. T. said, would be vastly better than the practice, now pursued, of taking such kind of evidence as was taken by Congress, which, if it deserved the name, was only *ex parte*. He did not propose to plunge into a system which could not be remedied afterwards.

The third section provides for empannelling a jury, when there should be such circumstances as, in the opinion of the court, should require a jury to try facts.

The fourth section gives the Attorney General the power to file suggestions or interrogatories to the claimants—the facts suggested to be taken as truth if not properly answered. This, Mr. T. said, was similar to a cross bill in chancery—it was to operate when there was a fraudulent concealment of facts.

The fifth section gives the claimant a right of appeal to the Supreme Court of the United States, without bond to prosecute the suit; furnishing the creditor with every possible advantage which could be expected to be allowed.

The sixth section provides that the officers of the court shall be paid for services performed for claimants, but no costs to be rendered against the claimants in case the suit is dismissed, except for counsel.

Mr. T. hoped the observations he had made would be duly weighed, and that the bill would be engrossed, and read a third time.

Mr. HOLMES, of Maine, said, he was too timid a politician to wish to go very deep, at first, into any new plans of government. He wished to propose another amendment, to limit the time of the operation of the bill. He proposed a new section, to limit the continuance of the bill to three years. This was agreed to.

An amendment was adopted, to include the District of Columbia in the provisions of the bill.

The blank in the bill, limiting the amount of any claim to come within the provisions of this bill, was filled with $3,000.

The blank, fixing the amount of any claims which should be allowed an appeal to the Supreme Court, was then moved to be filled with $1,000.

Mr. LOWRIE thought that cases, involving great principles, might come before the courts below, though the amount of the claim might be small. He thought there ought not to be any limit to the right of appeal.

Mr. HOLMES, of Maine, replied to Mr. LOWRIE. He was in favor of limiting the amount upon which an appropriation should be made.

It was then determined to fill the blank with $500.

Mr. MACON made a few remarks on the bill, to which Mr. TAYLOR replied.

Mr. CHANDLER thought that the claimant ought to pay the costs of his suit, the expenses of juries, &c., as well as his counsel. To this objection Messrs. HOLMES, of Maine, TAYLOR, of Virginia, and EDWARDS, of Connecticut, replied.

The bill was then passed, to be engrossed, and read the third time.

The bill, "supplementary to the several acts for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse districts, in the State of Louisiana," was again taken up for consideration. The question was upon a new bill, proposed as an amendment by Mr. LOWRIE, when the bill was before under consideration. Mr. L. stated the grounds of the bill. Messrs. CHANDLER, J. S. JOHNSTON, of Louisiana, and H. JOHNSON, of Louisiana, made some remarks upon the subject. The amendment was agreed to, and the bill, as amended was passed, to be engrossed, and read the third time.

The Senate then adjourned.

FRIDAY, April 2.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, made an unfavorable report on the petition of Thomas Johnson, formerly a purser in the Navy of the United States, praying for the appropriation of the proceeds of certain prizes taken by the United States squadron in the Mediterranean, in the year 1805. The report was read.

On motion, by Mr. ELLIOTT, the Message from the President of the United States, of yesterday, and the accompanying documents were referred to the Committee on Indian Affairs, to consider and report thereon; and they were ordered to be printed for the use of the Senate.

Mr. VAN BUREN, from the Committee on the Judiciary to whom was referred the petition of A. V. Mattson, reported a bill supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;" which was twice read, by unanimous consent.

Mr. VAN BUREN, from the same committee, to whom was referred the bill to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in Kentucky, reported it without amendment.

The bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, was read the third time, and passed.

The bill to provide for the settlement of certain pecuniary claims against the United States was read the third time.

The bill "to provide for the extinguishment of the debt due by the purchasers of public lands," was again taken up for consideration. Some further amendments, in the details of this bill, were adopted, at the suggestion of Messrs. **KING**, of Alabama, and **RUGGLES**. The bill was then passed to be engrossed, and read the third time.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended in Committee of the Whole; and, on motion, it was postponed to Monday next.

The bill reported by the Committee on the Judiciary, "to change the terms of holding the cir-'cuit and district courts for the State of Ohio, and 'to change one of the terms of the circuit court for 'the State of Kentucky," was then taken up, in Committee of the Whole. Messrs. **BROWN** and **TALBOT** explained the objects of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act relative to the election of a President and Vice President of the United States; and, on motion, it was postponed to Tuesday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Monday next.

CLAIMS AGAINST THE UNITED STATES.

On the third reading of the bill "providing for the settlement of certain pecuniary claims against the United States," Mr. **NOBLE** moved its recommitment to the Committee on the Judiciary, with instructions to consider the expediency of extending the provisions of the bill to all claims not exceeding $10,000. Mr. N. supported his motion by some few remarks in favor of recommitment.

Mr. **TALBOT** also advocated the recommitment, on the ground that that part of the bill which limits its existence to three years, ought to be stricken out. He thought the operation of the act ought not to be limited, as it would always be in the power of Congress to repeal the law, if found to be inadequate to the purposes for which it was enacted. He proceeded to support the passage of some act, to take the cognizance of these claims from Congress, as a body totally unfit for such a duty; but he was opposed to the limitation of the act to a specified time.

Mr. **HOLMES**, of Maine, spoke in favor of retaining the present limitations of the bill.

Mr. **JOHNSON**, of Kentucky, remarked upon the general course of claims against the Government, and stated his views of the manner of acting upon those claims. He was in favor of extending the amount of the claims to come under this act; but he thought the limitation of the act to three years ought to be retained, as it was to be considered in the light of an experiment.

Mr. **VAN BUREN** was well aware that the present mode of settling private claims against the Government, was extremely objectionable; that Congress was not a body calculated for a full and fair investigation of such claims; and another great objection to acting upon these claims here, is, that the decision upon them is never final. But yet he was opposed to the principle contained in the present bill, and therefore could not vote for it. He believed great injustice would result to the United States. He would be content to establish a Board of Commissioners, to sit at the City of Washington, for the purpose of deciding upon these claims—or he would be willing to establish a new department for this object, or to vest the decision in one of the present departments. Either of these plans, he thought, would be productive of good consequences. But the present bill would subject the United States to be impleaded in thirty or forty different circuit and district courts, in various parts of the country, and would involve great expense and trouble. All the claims against the Government, from its establishment to the present day, would be called up. All these claims had arisen from circumstances emanating from transactions in this city. The evidence respecting them was all here. If there were many claims of this kind to arise, the departments of the Government would find themselves continually engaged in defending cases in the courts of the different States. Certified copies of papers must be taken as evidence in these cases; and those copies must be prepared at the departments. The United States will not stand as good a chance to get justice done to it as the individual—the Government will scarcely ever get its rights. The courts and juries will always be biased in favor of the individual against the Government.

Mr. V. B. thought the bill would be productive of great inconvenience and difficulty. This mode of deciding claims, he believed, was without precedent in any country. No Government had ever consented to place itself upon such a footing. Mr. V. B. alluded to the petition of right in England, in order to show that it was not analogous to the provisions of this bill. It would be better, he thought, to provide that the United States should always be impleaded, in these cases, in the Supreme Court at Washington, because there the departments could have an eye upon the interests of the Government. But he had strong objections to spread them over the whole country. Obsolete claims, which have long since been decided against, and the decision acquiesced in, would again be brought up. Believing that these bad effects would result from the bill, he could not vote for it.

Mr. **NOBLE** modified his motion, so as to authorize the committee, if they should think proper, to report a bill for the establishment of some other tribunal for the adjustment of these claims.

Mr. **TAYLOR**, of Virginia, replied to the remarks made by Mr. **VAN BUREN**. He said this bill merely proposed to give to the circuit and district courts the power of acting on claims within their own districts. He believed that the establishment of a tribunal to try these claims at Washington, would be attended with many of the inconveniences that are now experienced from their being agitated in Congress. He thought that, so far from the evidence on claims such as were included in this act, being found at Washington, it was mostly to be obtained in the districts where the claimants live. He stated the difficulties which would attend the decision upon these claims by either of the departments. Our extent of territory would operate as an objection against the establishment of a tribunal, like the Court of Exchequer in England. Justice to individuals, Mr. T. said, required that their claims should be adjusted in their own districts, subject to certain restrictions and checks. He believed that, instead of the testimony required in the adjustment of these claims, always being found at the Seat of Government, as the gentleman from New York supposes, it would rarely ever be found there. We are constantly going to the districts where the claims originate, for this evidence—for certificates, private letters, and other documents. We are alarmed, too, by the hideous spectres of obsolete claims—we are told that obsolete claims, without number, will be conjured up. Mr. T. thought it extremely improbable that any claims more ancient or obsolete than some which had been brought before Congress, could be found; and if he had been about to put his finger on any one particular point, to demonstrate the necessity of adopting the provisions of this bill, he should have placed it upon the admission of these obsolete claims in Congress. He said, he believed there were acts of limitation to regulate these matters; if not, they could be made. Congress has the power to make laws of limitation; and he believed there would be no difficulty on this point.

Mr. T. believed that the objection, as to the increased labor of the judges, was equally inconsistent; if the labor of hearing the testimony was too great, for a large number of judges, spread through the country, how could the Heads of the Departments attend to it? This was a kind of duty for which the judges were appointed. Are your Departments competent to this duty, and your judges incompetent? He thought the argument inconclusive.

Mr. T. was in favor of extending the provisions of the bill to claims amounting to ten thousand dollars, and he was opposed to limiting the duration of the law. But he had been so deeply impressed with the necessity of some such system as this, which would get rid of what he considered a disreputable jurisdiction on the part of Congress; he was so perfectly satisfied of the necessity of some remedy for this evil; that he was willing to accommodate the bill to the ideas of other gentlemen on the subject. He believed that time and experience would sufficiently prove the utility of the measure.

Mr. Chandler objected to carrying these claims into the courts of the United States. He thought the juries who were called to try them, would invariably be biased in favor of the individual claimants, especially as the claimants would be their neighbors. These causes ought not to be tried in the different States, away from the Seat of Government, where alone the circumstances relating to the cases would be known. The district attorneys would not be likely to be acquainted with the merits of the cases. Mr. C. thought it would induce every man who thought he could put a fair face upon his claim, to bring it up for trial before a jury, who would be prejudiced against the Government; the claimant would have no expenses to pay; it would cost him nothing, but the payment of his own counsel. Mr. C. was willing that the bill should be recommitted, with instructions to report some other mode for the settlement of these claims.

Mr. H. Johnson, of Louisiana, said he was happy at the prospect now presented, of obtaining some mode for the adjustment of private claims against the Government. Congress was certainly an incompetent body to try these claims. There was great impropriety in constituting so large a body of men, at so great an expense, to act on such subjects. The expense, upon small claims, was often greater than the amount of the claim. He thought it better that a board of commissioners should be created for this purpose—it would be better on account of the expenses to which the claimants would be subjected; their expenses would be much increased in a court of justice. The Government was bound, in his opinion, to establish some tribunal which would not increase the expense to those who held claims. The proofs, in these cases, would be, for the most part, in the hands of the Government. If other testimony were necessary, the commissioners would have power to issue commissions for taking depositions, &c. He objected to the submission of these claims to the courts of justice, as proposed by this bill, on account of the additional expenses that would be incurred by the claimants. He was, therefore, in favor of recommitting the bill.

Mr. Van Buren made some further remarks in explanation—to which Mr. Taylor replied.

Mr. Van Dyke said it was manifest that the Senate and House of Representatives, from the manner in which they were constituted, were not calculated to act upon private claims—one great reason why they were not, was the want of time. It was absolutely impossible, with the great political subjects that were constantly presenting themselves to the consideration of Congress, that members could devote the requisite attention to the minute circumstances of every private claim that came before them. If there were sufficient time to obtain all this information, still, the mode adopted, and which was necessary to obtain it, rendered the determination very uncertain. Affidavits were taken, without any agent of the Government to attend to the business; the statements of individuals are received, in regard to their own accounts, the information which members are enabled to obtain, in relation to the claims, is relied upon for the want of any more authentic information. He felt grateful to the gentleman from Virginia, for his attention to this subject; and for submitting a plan to remedy the evils of the present system. Mr. VAN DYKE said he had paid considerable attention to this bill—he apprehended there would be no great difficulty in carrying it into effect—nothing like the difficulties with which the subject was at present embarrassed. If this plan was rejected, he should despair of any one being agreed upon hereafter. We had formerly had a commissioner for the settlement of claims, at the Seat of Government. The plan was found to be defective at the outset. The decisions were made by an individual, in some by-chamber. The best security for the citizen and for the Government, is in a decision in an open court of justice, where the judges, the jury, and the witnesses, are responsible before the public, for what they do and say. He did not wish to submit these claims to the decision of a commissioner, sitting in private. If we could not repose trust in our judges and jurors, under oath, then there was no security for the rights of property, and none for the permanence of our Government. He had no idea that the decision on these claims, under the provisions of this bill, would be as unfavorable to the Government, as their decision by Congress. In the present mode, there is no end to the claims. Their final settlement is one great object in carrying them into a court of justice. If these claims are rejected half a dozen times by Congress, they come up again, and are continued year after year, until at last, by some means or other, the case is made out, and Congress is induced to allow it. The members are worried out, and are glad to get rid of it. Mr. VAN DYKE said he was, therefore, determined to vote against sending the bill back to the committee. The whole evidence on each side, he said, could be taken in a court of justice, and he thought the plan well worth the experiment.

Mr. RUGGLES hoped the motion to recommit would prevail—and that the committee would see the necessity of providing for a board of commissioners, at the Seat of Government, to decide upon these claims. All these claims, for the settlement of which provision is to be made, will have been first rejected by the Treasury Department. There is scarcely a case of this kind, that comes before Congress, but for items of accounts that have been rejected at the Treasury. Suppose a person comes to ask that his claim may be allowed, is he bound to furnish evidence against himself? Mr. R. believed the most judicious mode would be to establish a board of commissioners, consisting of three persons—they should be under the direction of the President and the Secretary of the Treasury; and should sit in this city; where all the information on the subjects before them would be at hand. If they were at a distance from the Seat of Government, they would not be able to obtain this information so readily. The gentleman from Delaware has said, that we had some experience on the subject of appointing commissioners for this purpose—it was true we had—but the difficulties which affected that commission, might be remedied now. Such regulations might be adopted, as should be found necessary. By this mode, a uniform system, for the settlement of these claims, would be adopted, and known throughout the country. There would not be a rule for one place, and a different rule for another; as might be the case, if the decision was left to the courts. The gentleman from Maine has remarked upon the decisions of juries, in cases where the Government is concerned. There can be no doubt of the vigilance of the claimants, in prosecuting their own cases—and the bias would always be against the Government.

Mr. BELL said there were strong objections to the mode of acting upon these claims of the courts, both from the delay that would take place, and the expense to the claimants. The claims are first to be presented to the proper officers of the Government. If they are not allowed there they are to be carried into the court in the district where the claimant belongs. He must produce the same evidence in both cases. If the decision is against him, then he is to appeal to the Supreme Court. He must procure counsel in the courts, and will be subjected to enormous expenses. There is such a press of business in the courts that he would probably be compelled to wait some years before he would get a decision in the district court; and when he comes to the Supreme Court, he must wait several years longer. But if the plan of appointing commissioners is adopted; if the claim is disallowed by the accounting officers of the Treasury Department, the same evidence may be produced before the commissioners, and the claim decided on the spot, without expense to the claimant. He had not a doubt that this would be the best plan, both as regards the interest of the Government, and that of the individual claimant. He should have more confidence in the decisions of commissioners than in that of a jury, to whom the claimant would be known, and who might be prejudiced in his favor. He was, therefore, in favor of a recommitment.

Mr. TAYLOR, of Virginia, said he only rose to request gentlemen to recollect that not a single case, under this bill, was to be decided by a jury; they were only to be empannelled, under certain circumstances, to judge of certain facts in the case.

The question was then put and carried in favor of recommitment.

NAVY APPROPRIATIONS.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, reported the bill from the House of Representatives "making appropriations for the support of the Navy, for the year 1824," with amendments. On the motion of Mr. LLOYD, the bill was then taken into consideration, in Committee of the Whole, Mr. SMITH in the Chair.

The first amendment proposed by the Committee is to strike out all of the *specifications* of the various items of the contingent expenses in the Navy Department, and insert them in *gross*. It proposes, also, to raise the amount of that appropriation from $180,000 to $225,000. Mr. LLOYD, of Massachusetts, stated, that the object of this amendment was, in the first place, to restore the bill to the same form that had always been adopted in the bills making similar appropriations—the contingent expenses of the Department having always been put down in gross. He said that $225,000 was the sum originally reported in the House, for this item—and that it was the least possible amount with which the business of the Department could be conducted. This amendment was agreed to.

The second amendment provides for the purchase of a strip of land in the vicinity of the navy yard at Charlestown, Massachusetts. Mr. Lloyd stated that this strip of land was required to build a wall for the preservation of public property. The amendment was agreed to.

The next amendment is to strike out "20,000," as the amount "for ordnance, ordnance stores, small arms, and the manufacture of powder," and insert, in lieu thereof, the sum of $1,000, together with the unexpended balance of the last year's appropriation for this object. This amendment was agreed to.

Mr. Lowrie made an inquiry as to the estimates for the price of rations—which was answered by Mr. Lloyd and Mr. Parrott.

The bill was then reported to the Senate, as amended—the several amendments were concurred in, and ordered to be engrossed—and the bill passed to a third reading.

The amendments were subsequently reported as being duly engrossed; and, on Mr. Lloyd's motion, the bill was read the third time, passed, and sent to the other House, for concurrence in the amendments.

Monday, April 5.

The President communicated a letter from the Governor of Pennsylvania, transmitting a resolution of the General Assembly of that State, approving the declaration of the President of the United States in favor of the cause of liberty in the Western Hemisphere. The letter and resolution were read, and laid on the table.

The President communicated a letter from A. B. Woodward, enclosing a memorial proposing a standard of measure for the United States; which was read, and the letter and memorial were referred to the Committee on Commerce and Manufactures.

Mr. McIlvaine presented the memorial of Thomas Beesley and others, of Cape May county, in New Jersey; and of Lewis M. Walker and others; severally praying an increase of the duties on imported iron. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. Hayne presented the memorial of William D. Martin, in behalf of the inhabitants of the parish of St. Luke, in South Carolina, remonstrating against the passage of the bill pending in Congress, to increase the duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

The bill to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was read the third time, and passed.

The Senate proceeded to consider the report of the Committee on Naval Affairs on the petition of Thomas Johnston, and it was laid on the table.

The bill to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky, was read the third time, and passed.

The bill reported by the Judiciary Committee, "supplementary to the several acts for the release of persons imprisoned at the suit of the United States," was taken up for consideration in Committee of the Whole, Mr. Ruggles in the Chair.

This bill provides for the relief of A. B. Matson, an insolvent debtor, imprisoned in the State of Pennsylvania, who is prevented from taking the oath necessary to his release by the absence of the district attorney for that district. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1824;" they concur in the second of the said amendments, with an amendment; and they concur in the third of said amendments. They have passed a bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" in which amendment and bill they request the concurrence of the Senate.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt," was then again taken up for consideration. Some further amendments were made in the details of the bill, at the suggestion of Mr. Mills. Upon one of these amendments, which provides that the creditor shall have a right to hold his debtor to bail, without proof of fraud, when he is about to leave the State in which the debt is contracted, some cursory discussion took place between Messrs. Van Buren, Mills, Johnson, of Kentucky, Hayne, Holmes, of Maine, Talbot, and Chandler. It was then agreed to.

Mr. Barbour proposed a proviso, that no person should be required to give bail, except in the State in which he resides. Mr. Mills and Mr. Lloyd, of Massachusetts, opposed this amendment, and Messrs. Barbour and Smith supported it. It was not agreed to.

Mr. Van Buren proposed some amendments, which were adopted.

Mr. Talbot proposed to amend the bill, by providing that no debtor shall be held to bail, except in the State where he resides, or the State in which the debt was contracted.

This provision was supported by Mr. Johnson, of Kentucky, (who called for the yeas and nays,) and by Messrs. Talbot, and Taylor, of Virginia, and opposed by Mr. Mills.

Mr. Talbot then modified his amendment, by adding the words "unless the defendant shall have absconded from the State in which he resides, in order to evade the payment of his debts."

This amendment was carried—ayes 28, noes 11, as follows:

YEAS—Messrs. Barbour, Bell, Benton, Branch, Dickerson, Edwards, Findlay, Hayne, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, King of Alabama, Knight, King of New York, Lowrie, McIlvaine, Macon, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Buren, and Williams.

NAYS—Messrs. Barton, Chandler, Clayton, D'Wolf, Eaton, Gaillard, Lloyd of Massachusetts, Mills, Noble, Van Dyke, and Ware.

Mr. CHANDLER moved an amendment to exempt the debtors to the United States from the provisions of the bill. This was not agreed to.

The amendment proposed by Mr. VAN DYKE, when the bill was before under consideration, to authorize the creditor to put interrogatories, and to make suggestions in relation to the case, and, if they are not satisfactorily answered by the defendant, the charges therein contained to be taken as facts, was then taken up.

Mr. VAN DYKE offered a few remarks in support of this proposition; it was also supported by Mr. VAN BUREN, and opposed by Messrs. JOHNSON of Kentucky, and TALBOT, and was then adopted by the Senate.

Mr JOHNSON, of Kentucky, proposed a new section to the bill, extending its operation to the District of Columbia; which was agreed to.

Mr. VAN DYKE submitted a proviso, "that nothing, in the first section of this act contained, shall extend to suits in which the United States are a party." Mr. CHANDLER called for the yeas and nays on the adoption of this amendment. Some remarks were made upon it by Messrs. VAN DYKE, HAYNE, NOBLE, BARBOUR, JOHNSON of Kentucky, and MACON. Mr. HOLMES, of Maine, moved to amend the amendment by adding to it the words, "against any contractor, or receiver or disburser of public moneys." Mr. HOLMES, and Mr. JOHNSON of Kentucky, advocated this amendment, and Mr. VAN DYKE opposed it. These amendments were both withdrawn, and a substitute proposed by Mr. VAN DYKE, as follows: "that nothing in the first section of this bill shall extend to any suit brought to recover moneys received by the defendant, on account of the United States." This was agreed to.

The bill was then ordered to be printed, as amended; and, without taking the question on its third reading, the Senate adjourned till to-morrow.

TUESDAY, April 6.

Mr. BENTON presented the petition of Alexander McNair, praying compensation for services rendered as a paymaster; reimbursement of interest paid by him on money for the use of Government; remuneration for the loss of a house destroyed by fire, whilst occupied by the United States troops, during the late war; and an equitable settlement of his accounts. The petition was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the petition of Henry Miller, praying to be compensated for military services rendered during the Revolutionary war; which was read, and referred to the Committee of Claims.

The bill from the House of Representatives, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of tax," was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act for the relief of Barbara Paulas," reported it without amendment.

The bill supplementary to the act, entitled 'An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt," was read the third time, and passed.

NAVY APPROPRIATIONS.

The bill "making appropriations for the naval service of the United States, for the year 1824," was again taken up for the purpose of considering the amendments made thereto in the Senate, and which were not concurred in by the House.

Mr. LLOYD, of Massachusetts, moved that the Senate should concur in the amendment proposed by the House, requiring the consent of the Commonwealth of Massachusetts to the purchase of a strip of land adjacent to the navy yard at Charlestown, in that State. This motion was carried.

Mr. LLOYD then moved that the Senate should insist upon its amendment, by which the several specifications of the contingent expenses of the Navy Department, as contained in the bill that came from the House, were stricken out, and the sum inserted in gross; and by which, also, the same item was increased from $180,000 to $225,000. After some remarks on this subject by Messrs. LLOYD, LOWRIE, BARBOUR, and SMITH, the motion prevailed, and the Senate determined to insist upon this amendment.

IMPRISONMENT FOR DEBT.

The unfinished business of yesterday being the bill "to abolish imprisonment for debt," was resumed; Mr. RUGGLES in the chair. The question was, upon passing the bill to be engrossed and read the third time.

Mr. HAYNE said, that it was impossible to listen with indifference to the eloquent appeals which had been made to the feelings of the Senate, by the honorable gentlemen from Kentucky and Virginia, (Mr. R. M. JOHNSON and Mr. BARBOUR,) appeals which must always have a powerful influence, when they came recommended by the virtues of those by whom they were urged. The pictures of distress which the gentlemen had drawn, could not fail to command our sympathy, and, if the decision of the question depended on feeling merely, that decision would be easily made. But, said Mr. H., I consider this a grave and sober question of judicial policy, in the discussion of which it will be necessary to look to established principles and usages, and which can only be wisely decided by a careful examination of the tendency and probable effect of the measure proposed. This measure is entitled "A bill to abolish imprisonment for debt," and those who shall not look beyond the title, will, of course, conclude that it proposes to "open the prison doors" throughout the whole extent of this great Republic; and that "the voice of the oppressor" is to be no more heard in our land. Such, however, is by no means its true character. The operation of the bill is to be confined, exclusively, to the courts of the United States; its provisions will apply to a very inconsiderable number of the debtors, scattered through the country; and the remedy provided, is one which will afford no substantial relief to the distresses of the unfortunate. The manner in which the question had been discussed, had brought to his mind a truth, (confirmed by the whole course of his reading and experience,) that much of the difference of opinion which exists in the world, arises from the want of agreement as to the meaning of terms or of propositions. The gentleman from Virginia states his proposition in these words: "Is it right to punish, by imprisonment, the honest but insolvent debtor?" And, to this question, all his observations had been strictly confined. I have no hesitation, said Mr. H., in giving my full assent to all the arguments of that gentleman; with him, I answer the question in the negative; and, in that answer, I am confident every member of the Senate will concur. Indeed, it may be doubted whether creditors themselves (hard-hearted as they are all supposed to be) would hesitate a moment in consenting to the release of debtors whose honesty and insolvency should be ascertained. A solitary "monster in human shape" may occasionally be found, who would "feast upon the groans and tears of the wretched;" but, for the honor of humanity, such cases are so rare, that we may safely affirm that creditors, as a class, would as zealously contend against the punishment, by imprisonment, of the honest and insolvent debtor, as the gentleman from Virginia himself. The professed object of this bill, said Mr. H., is, to abolish, entirely, legal process against the person of the debtor; to discard what are commonly called bail writs, and executions against the body; and gentlemen argue as if these writs were devised and intended merely as a punishment of what they are pleased to call "the crimes of being in debt and being unfortunate." Now, these writs, said Mr. H., are merely the means provided by the law to compel debtors to pay their just debts; they are the remedies by which a creditor is enabled to enforce his rights. They were intended to apply, not to the honest and unfortunate, but to the dishonest and the solvent; and, if the remedies intended for the latter are occasionally applied to the former, it is only because it is found impossible, in some cases, to distinguish between them, and because human affairs can only be regulated by a system of general rules. Whatever may be said of the origin of the writ of *capias ad satisfaciendum*, or the theory on which it rests, it is certain that in modern times, and certainly in the happy land in which our lot has been cast, that process is, in practice, nothing more than the means of compelling a debtor to pay his debts—a debtor who, having the ability, is unwilling to comply with his obligations. We have heard of a question being agitated in other countries, as to the right of a creditor to the body of his debtor, and of a formal negotiation, by the family of a deceased debtor, for the purchase of the corpse, in order to honor it by the rites of a "Christian burial." But, who ever heard of such a question being made in America? What lawyer can doubt that our courts would hold such claims, on the part of a creditor, as contrary to humanity and common decency; as inconsistent with our institutions, and, therefore, against the law of the land? It is true, we have lately been shocked by an idle and shameful report of the arrest of a dead body, in one of the most moral, enlightened, and polished cities of this Union; but that report is kown to be a mere fabrication. There never yet has been, and there never can be, said Mr. H., claims of such a nature set up in this country. If the gentlemen on the other side, however, seriously believe that evils may hereafter arise from the theory of the common law; that the body of a citizen may be taken "in satisfaction of a debt," and they will confine their remedies to the destruction of that theory merely; if they feel disposed to make the process against the body, in law, what it is now, in fact, a mere remedial process for the enforcement of debts, I shall not, said Mr. H., be disposed to object.

Imprisonment for debt (or as the gentlemen express it, "as a penalty for debt") is almost unknown in the United States; there is not a State in the Union which has not provided by law for the release of debtors from imprisonment; and in respect to the courts of the United States, a similar provision has been made. It is true, that the regulations on this subject are incomplete and in some respects oppressive, and it is certainly very desirable that some mild and efficacious system should be provided, to be uniform throughout the United States, which, protecting alike the just rights of creditors and debtors, should be consistent with the claims of justice and humanity. It is sufficient, however, said Mr. H., for my present purpose, to say that the existing laws do substantially provide (and if they do not I am willing that they shall be so amended as to provide) that a debtor shall only be imprisoned for the purpose of compelling him to surrender his property. If the theory that the body of a debtor may be taken "in satisfaction of a debt" has not already been, I am willing that it shall be, exploded, as inconsistent with the refined sentiments, and the moral sense of the enlightened age in which we live.

As the gentleman and myself agree thus far in principle, it may be well to ascertain, before I proceed further, in what we differ, as well as the nature and extent of that difference. The gentlemen propose to abolish all process against the body of the debtor, and to keep his person free from arrest until fraud shall be established. According to this plan, they propose that bail writs shall not be used except where a debtor is known to be about to abscond; and that executions against the body shall be confined to cases of fraud and concealment first legally proved. I contend, on the contrary, that these writs are remedies essential to creditors, who ought to be permitted to use them as means, though as means only, for the purpose of attaining the end, viz., the satisfaction in money of their just demands. The gentleman would not permit the body to be touched at all till fraud be proved, whilst the law, on the contrary, authorizes the arrest and detention of the person until the debt be paid or the property of the debtor be given up. The honorable gentleman from Kentucky has *in limine* laid down a position from which I am compelled to dissent. He denies the right of society to deprive a man of his liberty even for an hour, except it be as a punishment for a crime, and from this position he draws the conclusion that, as debt is not a crime, society has no right to imprison a man on account of a debt. Now, said Mr. H., I submit that the gentleman has mistaken the source from whence the right to deprive a citizen of his liberty or property is derived. Penalties are never imposed merely as a punishment to the criminal, it is reserved to the great Creator to apportion, by an unerring standard, the just measure of punishment for crimes of every grade. But society imposes penalties for the sake of example, and in order to promote the welfare of mankind. The right being derived from this source, it follows that it is only limited by the demands of justice and expediency. Whatever the general welfare of the community imperiously demands, must be done; and, if the safety and happiness of society should require the exercise of restraints in certain cases on personal liberty, such restraints become lawful. I admit, said Mr. H., that this is a right which society is bound to exercise with great caution, and with a due regard to the value of liberty. But the very elements of society would be destroyed, and all social order subverted, if this right did not exist. If it were true that the criminal only could be lawfully imprisoned, how does society derive the right to deprive a man of his liberty who is merely accused of a crime, and who (according to the humane principles of our law) is presumed to be innocent? In every country on earth a witness essential to a prosecution, if he cannot give security to appear, is put into prison until his testimony is given in open court; and Mr. H., would ask the gentleman by what right that was done? Mr. H. recollected a very strong case of this kind. In the city in which he resides, a murder was committed in the presence of an English sailor; and without his testimony the perpetrator of the crime could not be brought to justice. He gave information to a magistrate, but at the same time declared that he could not wait to testify in court, as he had a family at home who depended on his daily labor for support. The magistrate was compelled to commit the witness (most surely an innocent and meritorious man) to the common jail, where he remained for several months; and by this harsh, though necessary proceeding, a murderer was brought to justice. The right of society to deprive this innocent man of his liberty was derived from their obligation to provide for the welfare of the community. From the same source is derived the right to imprison men accused of crimes, (though many of them must of necessity be innocent,) and of imprisoning debtors, many of whom are also innocent, until, by a proper investigation, their true character can be made to appear. The right, therefore, in all such cases, depends on the necessity of the measure, and I admit that such a right cannot be claimed, and ought not to be exercised, except in subserviency to the great interests of the society.

It is manifest, therefore, that the propriety of abolishing the legal process against the body of debtors depends altogether on the utility of that process. If it be the necessary and only appropriate means for the collection of debts—if its abolition would destroy the rights and render nugatory the remedies of creditors—if the obligation of contracts would thereby be impaired, it would follow that such process ought not to be dispensed with. Such a measure would seriously affect the welfare of the community, by destroying credit and impairing those habits of industry and probity on which that welfare must depend. But the gentleman from Virginia asks, emphatically, "whether we would punish by imprisonment the honest, but unfortunate and insolvent debtor?" I answer, by putting another question, "would he exempt from imprisonment the solvent and dishonest debtor?" The whole difficulty, said Mr. H., arises from the imperfection of all human institutions. It belongs only to the great Creator to survey, at a glance, the complicated transactions of men—to know their actual condition—to look into their hearts—to scan their motives; and to determine, with unerring wisdom, the true situation and character of every individual of the great human family. But frail, short-sighted mortals are compelled to judge from appearances; they must be satisfied with circumstantial testimony, and can only approximate the truth by laborious and careful investigations. Hence, it becomes absolutely necessary to provide general rules for the regulation of human affairs, and by those rules we are compelled to abide, though we must be aware that injustice may occasionally result from their operation.

I will endeavor, said Mr. HAYNE, in the examination of this subject, to prove that it is inexpedient and unjust to abolish the process against the body, limited and restrained, as I admit such process ought to be, to the single object of compelling a debtor to pay his debts or to surrender his estate. When a debt is established by a judicial decision, the creditor, it will be admitted, is entitled to payment, and indeed the judgment of the court, in all such cases, is, that the debtor shall be compelled to pay. But by what means is such a judgment to be enforced? If property was always visible and tangible there would exist no difficulty. Lands could be seized and sold, and the debt be thus satisfied. But, in modern times, a large portion of the wealth of society consists of stock, of bonds, notes, bills, exchange, and of that species of property called choses in action, which are not liable to be sold under an execution. Some idea may be formed of the immense quantity of this species of personal property, by reflecting on the amount of public stock alone, which exists at this day in the principal nations of Christian Europe. Great Britain has issued stock, which is held by individuals to the amount of eight hundred millions of pounds sterling; France to the amount of upwards of one hundred and eighty millions; Holland one hundred and fifty millions, and Spain one hundred and thirty millions. The United States has issued upwards of twenty millions sterling, which remains unredeemed.

Now, sir, when we add to this the immense amount of bank and insurance stocks—the stock of incorporated companies—the astonishing amount of bills, bonds, notes, and debts, (which, in every country, form such a large proportion of its commercial capital,) when, in short, we find that there is scarcely a particle of visible property, which is not represented by an equal amount of invisible property, and that the former is at all times convertible into the latter, is it not manifest that any system for the collection of debts must be wholly inadequate, which shall not provide efficient means for compelling debtors to apply the whole of their personal property to the discharge of their debts? The law provides two remedies, both admirably adapted to this object. The first is an execution against the goods, (a *fieri facias,*) by which the visible and tangible property may be seized and sold; the second, an execution against the body, (a *capias ad satisfaciendum,*) by which the debtor may be imprisoned until he shall apply his personal estate to the discharge of his debts. Now, if the latter process should be abolished, it is obvious that creditors will be left entirely at the mercy of their debtors. The extent of the evil which this system would introduce may be understood, when it is considered, that the great mass of debtors are those whose estates consist of that species of personal property on which no levy can be made. The land-holders compose but a small portion of the great class of debtors; it is the capitalist, the trader, the holder of stock and choses in action, who engages most largely in those speculations which produce debts. To exempt their property from liability, would be to give a vital stab to commercial credit and prosperity.

I will be told, however, said Mr. H., that the bill before us contains a provision by which an execution against the body may be issued, when it shall be ascertained, by a judicial investigation, that a debtor has property not liable to seizure; and this brings me, said Mr. H., to an examination of the particular provisions of this bill.

The fourth section of the bill provides, that on a judgment or decree being obtained either at law or in equity, a *fieri facias*, or other process, against the property, may be taken out, but the creditor is deprived of the privilege of issuing any process against the body. Now, by the practical operation of this provision, a wide distinction is made between real and personal estate—I mean that species of personal estate which is not tangible, and which (by the laws of England, as well as most of the States of this Union,) is not liable to be levied on and sold under an execution. According to this provision of the bill, a judgment may be enforced by the sale of land the moment it is obtained; but, as personal property cannot be levied on, the owner of such property is on a better footing than the owner of land.

Let us look, said Mr. H., a little closer into this fourth section. It provides that when a judgment is obtained, if the debtor's estate shall consist of personal property, which cannot be levied on, the creditor shall be obliged to file a suggestion on oath, setting forth that the debtor keeps his property so invested; on which suggestion he is entitled to take out a new writ, here called a "writ of discovery," but which is to be nothing more than a process commanding the debtor to appear at the next court, (to meet perhaps six months or a year afterwards,) and to answer the charge. What charge? Why, that the estate of the debtor consists of personal property. If the debtor should give security to appear to this writ of discovery, and should actually appear at the next court, then an issue is to be made up to try the fact, viz: whether his estate be invested in personal property or not. This issue may or may not be connected with the charge of fraud, and in either case it is, to all intents and purposes, a new suit, subject to all the expense and delay of the original proceeding. In obtaining a judgment, the wise jealousy of the law requires the observance of certain forms, which necessarily creates delay, and thus it is often the business of years to obtain a judgment. Yet by this bill, if the debtor's estate consists of personal, instead of real property, a second suit is to be commenced, as tedious and expensive as the first; and thus a most unwise distinction is made between real and personal estate, and the grossest injustice is done to creditors.

But, said Mr. H., I will further undertake to prove, that, according to the provisions of this bill, debtors who possess personal property cannot be compelled to pay their debts at all, provided two or more of them combine, for the purpose of putting their creditors at defiance. I have purposely delayed my remarks, said Mr. H., until all the amendments proposed to the bill had been disposed of, so that I must now take it for granted, that the friends of the bill have moulded it to their wishes, and given it the form in which they intend that it shall pass. Now, I will demonstrate, that, in the case of two debtors, the one possessed of real, and the other of personal estate—the former can be compelled to pay as soon as a judgment is obtained, while the latter may put his creditors forever at defiance. A is the owner of real estate—a judgment is obtained against him—a *fieri facias* is taken out—his lands are seized and sold, and the debt is immediately collected. B is the owner of stock or bonds, (to the amount, if you please, of $100,000;) property not concealed, but the possession of which he openly acknowledges. Judgment is obtained against B, but how is it to be enforced, the stock and bonds not being liable to an execution, and the body being exempt from arrest? Why, according to this bill, a "writ of discovery" is taken out. To this writ, B is to give bail, and when, in the regular and tedious course of legal proceedings, the issue made up on that writ is called for trial, B may fail to appear; and what is to be the consequence? Does his person thereby become liable to arrest? No. But strange indeed! by reason of his default, his estate, as well as his person, become entirely and forever exonerated from all further liability; the creditor loses his remedy against B, and acquires only a right of action against C, the bail of B. The creditor now having passed through the ordeal of two suits at law, and encountered all the vexation and expense incident to legal proceedings, finds himself precisely in the situation in which he was before he commenced those proceedings. He has acquired nothing more than a right of action against the bail of B. But, unfortunately, the same forms are to be observed in his proceedings against C. His person and his personal estate are, in like manner, free from arrest; and, after resorting to actions, affidavits, writs of discovery, issues, and so forth, the unfortunate creditor may recover nothing more than another right of action against D, the bail of C; and so on *ad infinitum.* Thus is one debt to be discharged by another; one right of action to be satisfied by another right of action; and the creditor who unfortunately resorts to a law suit to recover a debt, is to be paid by another law suit. I humbly conceive, said Mr. H., that this will be the most unsubstantial mode of payment that ever was devised. A creditor would be better off who should be compelled to receive in payment the wretched trash which exists in some part of the country, and is dignified by the name of "paper money." It would be better to receive the "bills of credit" issued during the war of the Revolution; for, at the period of their lowest depreciation, $1,000 could procure a bushel of salt.

But, said Mr. H., if this clause of the bill were not liable to be thus evaded, I should still object to it, on the ground that it renders a second suit necessary, before personal property can be touched; because it thus makes a most injurious and unjust distinction between real and personal estate; and because it opens a wide door to fraud, by permitting and tempting debtors, while a suit is pending, to change their property from real to personal. Now, said Mr. H., the principle on which this bill is founded, is radically unsound. Your remedies ought to be directed to the speedy release of the debtor, after arrest, and not to the destruction of the process of the law. Your remedies should be more extensive, and more effectual, than that provided by this bill, and should really and truly yield that relief to the honest and unfortunate debtor, which this bill promises, but does not afford.

As you cannot, without previous investigation, ascertain whether a debtor is unable, or only unwilling, to pay; and, as there are no means of touching a large portion of the personal estate of modern times, by any legal process whatever, it appears to my mind, said Mr. H., neither unreasonable nor unjust, to require of a debtor, before his person shall be released from the claims of his creditor, to render, on oath, a schedule of his property, and to make an assignment thereof, for the benefit of his creditors. If a debtor will not do this, he ought to be imprisoned. Nor is it an extravagant presumption, nor one which ought not to be, *prima facie*, indulged, that a man who contracts a debt, is able to pay. It seems to follow that he ought not to be released until his inability is made to appear; or, at least, until he makes a disclosure, on oath, and a surrender of his property. Should he possess no property, a declaration on oath, to that effect, ought to be deemed sufficient, provided suitable penalties were imposed on taking a false oath in such cases.

The gentlemen on the other side have, at every stage of this discussion, recurred to the situation of the "unfortunate debtor." They have made the most touching and passionate appeals to our feelings, and in the spirit of the author of the "Sentimental Journey," have taken "a single captive, and having first shut him up in his dungeon, have looked through the twilight of his grated door, to take his picture"—a picture to which they have added deeper shades, by the introduction of his lovely wife and innocent children, sharing in his captivity. Sir, said Mr. H., I have not listened to these appeals without emotion. It is, indeed, impossible to behold with coldness or indifference the manly bosom of my friend from Kentucky, (Mr. R. M. JOHNSON,) *that bosom* which has been bared to the swords of the enemies of his country, and been stained with patriotic blood, now "overflowing with the milk of human kindness." And it is with kindred emotions I have found the lofty sentiments and generous feelings of the honorable gentleman from Virginia enlisted in the cause of suffering humanity. I know—indeed, sir, I *feel* most sensibly—that my friends have the popular side of this question. To them all the fields of eloquence are open, and they have not failed to cull the choicest flowers.

I know, sir, that the sympathies of the people have been excited in behalf of debtors. But, though I am not disposed to object to the indulgence of such sympathies, I would remark that they certainly ought to be chastened and qualified by the consideration that, whenever a debtor is protected in his refusal to pay his debts, he is left in possession of the property of another. How are debts in general contracted? A man borrows money, purchases property, or obtains the personal services of another, for which he becomes not only legally, but morally, bound to pay. It is true he may be overtaken by misfortune; he may be touched by the hand of the Almighty; the very elements may conspire against him; and, by these means, his inability to comply with his contracts may be produced. But, in how many instances do debtors go on in a course of heedless conduct, and extravagant living, and, with their eyes open, waste the property of another, well knowing that when the day of payment shall arrive, they will be found wanting. In the dark catalogue of human woes, Mr. H. said, he would venture to assert that a large portion of misery presented to our view, would be found to result from the fraudulent conduct of debtors. The refusal of debtors to pay their just debts—the fraudulent concealment, or careless dissipation of their effects, had brought innumerable creditors to ruin and despair. Many a father of a family had been thus reduced to poverty, and found himself unable to supply his wife and children with the necessaries of life. Many a widow has been brought to abject penury. Many an orphan had been robbed of the "food convenient" both for the body and the mind. But such cases excite no commiseration—theirs are unobtrusive sorrows.

On the ground merely of feeling and sympathy, (putting justice and expediency out of the question,) Mr. H. was therefore disposed to doubt, whether debtors, as a class, were more entitled to sympathy and protection than creditors. But, said Mr. H., on principles of enlarged philanthropy, and of public policy, he was fully convinced that the welfare of mankind did require that an honest and insolvent debtor should be relieved, not only from continued imprisonment, but, under certain circumstances, even from future liability. By whatever means (except fraud) a man may have become actually insolvent, the interests of society seemed to demand that his future exertions should not be wholly lost. A man worn down by the accumulated weight of debts which he can never hope to satisfy, left subject to the daily assaults of creditors, all struggling to extort the last farthing of his daily earnings, must be borne down to the earth by the calamities of his situation, and will be found incapable of becoming a useful or honorable member of society. Such a man, being deprived of the stimulus of hope, and left wholly under the influence of his fears, will have his exertions paralyzed, and his bosom will be the seat of hopeless despair. I would be disposed, said Mr. H., to relieve such a man—to rescue him from his abject condition, and make him useful, if not happy. I would make him free, give a new impulse to his industry, and, without doing any essential injury to creditors, render an immense service to the community. But here the gentlemen sound the alarm, that I am advocating a bankrupt law. Names, said Mr. H., are not things. Call it what you may, the system I am disposed to advocate is this: I would subject the person of a debtor to arrest, under an execution against the body—not as a punishment—not in satisfaction of the debt—but as the only effectual means of obtaining from him his property. But as soon as this object was accomplished, that is to say, the moment a surrender of his property to his creditor was made, or a declaration on oath was given that he possessed no property, I would release his person from imprisonment, subject only to the penalties which might follow the conviction of having taken a false oath. So far my plan embraces the principles only of an insolvent law. But, said Mr. H., I would be disposed to go one step further, and provide, that a debtor who had not wasted his substance, but who, as soon as he had discovered his situation, and became sensible of his failing circumstances, had come forward, and rendered equal justice to all of his creditors, by the full and free surrender of the remnant of his estate, should be released from further liability. In other words, said Mr. H., I would provide a mild and judicious bankrupt law, so qualified and guarded as to prevent fraud, avoid all oppression, secure the just rights of creditors, and extend effectual relief to all honest debtors. I would have a system so modified, as to embrace within its provisions every class in the community, and to extend to each that relief most appropriate to their respective situations—a system of bankruptcy which might be made compulsory on traders in certain situations, and might be voluntarily embraced by all others.

Now, I will freely acknowledge, said Mr. H., that my strongest objection to this bill arises from its total inefficacy, and its being calculated to postpone, and perhaps prevent the adoption of the only effectual and adequate remedy—a mild and uniform system of bankruptcy. Sir, said Mr. H., gentlemen have submitted some appalling statements of the number of insolvent debtors who have been imprisoned in the United States. They have stated that, in one of our commercial cities, there has been, on an average, upwards of one thousand persons imprisoned for debt in a year, and they calculate that between fifteen and twenty thousand debtors have been annually imprisoned in the United States. Now, taking these statements to be correct, they seem to prove, conclusively, that this bill ought not to pass. It is not the proper remedy, because it is not co-extensive with the evil. In the city alluded to, in which it is stated that a thousand debtors have been imprisoned in a year, it has been proved, by documents produced before the Senate, that only a solitary individual was confined under a process issued from the United States courts, and by the same ratio fifteen or twenty persons only could have been so imprisoned out of the twenty thousand debtors. Of these twenty, a majority were probably confined on debts due to the Government, to which the provisions of this bill were not intended to apply—so that of this immense mass of debtors, (all of whom the gentlemen consider to be honest and insolvent,) ten or twelve only could obtain relief from this bill, and the whole of the remainder would be left to suffer, under all the evils which the gentlemen have so forcibly depicted.

Now, said Mr. H., if the accounts we have had be not greatly exaggerated—if these persons be entitled to relief—it is our solemn duty to provide an effectual relief. But, to pass this bill, confined as it is entirely to the courts of the United States—and even in those courts limited to a particular class of debtors—and to call this "abolishing imprisonment for debt," is little else than solemn mockery. The people are asking for bread, and we give them a stone.

Sir, said Mr. H. we have had numerous petitions praying for an uniform bankrupt or insolvent law: we have not had one, asking for the relief the bill proposes to extend. The Constitution has given to us, for wise and humane purposes, the power of providing a uniform system of relief to all honest debtors; a system to pervade the whole country—to embrace all classes and conditions of men—to apply to all of the courts, as well of the States as of the Union; and, instead of acting paternally on this great authority, for the maintenance of credit, the relief of distress, and the establishment of justice, we are about to do—what? Why, to adopt a wretched system of temporary, partial, and ineffectual relief to a few solitary cases; cases picked out of the mass of unfortunate debtors—and we are about to do this, by means calculated to destroy credit, favor fraud, and impair the character of our courts and of the people. For such a system, (call it by what popular name you please,) he would never give his vote.

But we are told, said Mr. H., that a bankrupt law, however just and necessary, cannot pass. This, Mr. H. was convinced, was a mistake. It may be true, that such a system as that of England, or such a plan as that introduced into the House of Representatives last year, may not pass, and Mr. H. was not prepared to advocate either of them. But, that a mild and judicious, though effectual system would meet the approbation of the Senate, distinctly appears from the declarations of the gentlemen, made in debate on this floor. Mr. H. was willing to adopt the sentiments of Lord Coke, which the gentleman from Virginia had quoted with approbation, "that, although measures, right in themselves, often failed in the beginning, they invariably prevailed in the end." Mr. H. said there was one view of the subject which made it his duty earnestly to press this matter on the consideration of the House. Hitherto, every State in the Union had provided some system of insolvency, by which debtors were released from imprisonment, and the rights of creditors were intended to be protected. These laws were, it is true, very contradictory and various, and certainly were not, in general, founded on the wisest and most judicious principle. But, in the absence of a uniform system of bankruptcy, these laws were essential for the prevention of the greatest injustice, and the most extensive and accumulated misery. But, the Supreme Court of the United States had, in the case of Sturges and Crowninshield, made a decision, the effect of which, it was supposed, would be to render void the State insolvent laws, and thus the mass of debtors throughout the Union will be thrown upon the United States, from whom alone they can obtain relief. They are every where, said Mr. H., looking up to us for relief. Can we, under these circumstances, refuse to exercise a power pressed upon us by so many and such powerful considerations? He hoped not. But, said Mr. H., if gentlemen cannot or will not provide this effectual remedy, he would ask, where is the necessity of passing this bill? Why should the processes in the courts of the United States be rendered different from those which prevail in the States respectively? The laws of the States were, in general, and ought to be, the laws of the courts of the United States. He thought that it would be wise that each State should be left to regulate the mesne as well as final process to which its citizens should be subjected. In regulating the courts of the United States by a rule different from that which prevails in the courts of the respective States, evils may be introduced, of the extent of which no gentleman here can be fully aware. The decision of the Supreme Court of the United States, before alluded to, calls upon us, with the imperative voice of duty, justice, and humanity, to exert our power to remedy these evils. But where is the necessity of regulating the process in the courts of the United States? Make them, in all cases, similar to those used in the State courts, and then each State will be able to use, or not to use, the bail writs, and executions against the body, as the convenience and welfare of their own citizens may require.

There is another view of this subject, entitled to some weight. In one or more of the States, it appears (from the statements of gentlemen) that land cannot be sold under execution, except for two-thirds of its appraised value; and we are gravely told that, under existing circumstances, it never brings that amount. Then, it follows, that, under this bill, the owner of real estate, in some parts of the Union, is to be wholly exonerated from his debts. If you could take his body, you might, by that means compel him to sell his lands, and pay his debts. But here, as his lands cannot be sold, and his body cannot be taken, he may live in splendor while his creditor (from whom, perhaps, he procured the very property he retains) is starving.

On the first section of this bill, which confines bail writs to certain specified cases, Mr. H. said he was not disposed to enter into any argument. If the views he had endeavored to inculcate were in any degree correct, it would follow that bail writs ought not to be abolished, but some provision should be made by which a debtor should be permitted either to give bail, or be entitled to his discharge on the surrender of his property. Mr. H. believed that bail writs not unfrequently enabled creditors to arrest their debtors in a course of heedless extravagance, and by these means to secure a portion of their debts; but he feared that, under this bill, creditors might behold the substance of their debtors wasting away during the years which are often consumed in a law suit, with the very comfortable prospect of obtaining, in the end, a judgment which could be levied neither on the person nor the property of the debtor, and which could not be rendered operative until every particle of property had been dissipated.

I confess, said Mr. H., I have strong objections to all the provisions of this bill, which relate to the *Government;* and which create what appeared to his mind to be a very unjust distinction between the Government and individuals. Apprehending that some of the provisions of the bill might operate injuriously on suitors, you exempt the United States from them. The body of a debtor may be taken by a capias, at the suit of the United States, but not at the suit of a citizen. Now, if on principle, and as a matter of justice, and of right, "every debtor must be considered honest and insolvent, until the contrary shall be proved,"—if, as gentlemen insist, "society has no right to imprison such a man," how do gentlemen reconcile this exception with their own principles? And if the apprehension of loss and injury to the Government, makes it necessary or prudent to except from the operation of the bill the suits brought by the United States, ought not the same principle to extend to suits brought by individuals? Can you, with any show of justice or consistency, refuse to extend a humane, wise, and safe rule to all suits whatsoever, and if the rule be unsafe, can you in honor and conscience make it obligatory on individuals? Can you with justice apply one rule to your own suits, and a different one to the suits of others? Sir, said Mr. H., the citizens of this country have a right to demand at your hands that you should make no unjust or injurious distinctions, and if you open your courts to them all, you are bound to apply to them the same rules, and afford them the same remedies, that are used by the Government. It is an odious practice, one borrowed from the monarchies of Europe, that Governments, when they go into a court of justice, should be placed on a better footing than individuals. It is a principle that is calculated to shake the confidence, and destroy the attachment of our citizens to their country, and if we wish that our institutions should be cherished in the affections of the people, we ought, with "even-handed justice," to extend equal protection and apply the same rules to all.

In every view, then, said Mr. H., which he could take of this bill, he was compelled to oppose it. He was willing, nay, most anxious, that some relief should be extended to honest and insolvent debtors, but he wished that relief to be founded on sound principles, to be salutary, efficient, and, above all, commensurate with the evil. He had indulged the hope that such a system as he was disposed to advocate would have been reported by the Judiciary Committee, to whom had been referred, early in the session, a number of petitions, (and among them, one which Mr. H. had the honor to present from the Chamber of Commerce of Charleston,) all praying for a uniform bankrupt or insolvent law. Such a law, said Mr. H., could only be digested, and its details be arranged, in a committee, and, in order to test the opinion of the Senate on the bill before them, as well as to ascertain whether they concurred in the views he had submitted, he would move that the bill "to abolish imprisonment for debt," be committed to the Judiciary Committee, with certain instructions, which he would now submit. The vote on committing the bill, he was willing to consider as a decision on its merits, and he would not call for a vote on his instructions, unless that decision should be against the bill. It would be perceived that the instructions were not intended to point out the particular provisions of any bill on this subject, but were so drawn as to embrace in the inquiry the whole subject of bankrupt and insolvent laws, both as to their constitutionality and expediency; so that the committee, having a full view of the whole ground, might be able to digest such a plan as should be best adapted to the circumstances of the country, and best promote those wise and beneficent objects which we all have in view.

Mr. H. concluded, by moving that the bill be committed to the Committee on the Judiciary, with instructions to inquire into the expediency of providing by law for the release of all persons who may be arrested for debt, by virtue of any process issued from the State courts, or courts of the United States, when such persons shall render on oath a schedule of all their property and execute an assignment thereof for the benefit of their creditors; and that the committee do further inquire how far it may be expedient to provide by law for the release of such debtors from further liability, making, at the same time, suitable provision for the prevention and punishment of fraud and concealment.

When Mr. H. had concluded—

Mr. TAYLOR, of Virginia, spoke in answer to Mr. HAYNE, and in favor of the bill before the Senate; he was opposed to its commitment.

Mr. HOLMES, of Maine, made some remarks in relation to the connexion between the principles of this bill and a system of bankruptcy. He reviewed the course which had been pursued in relation to former bills to establish systems of bankruptcy. He thought Congress was hardly prepared, at this late period of the session, to go into the discussion of the various provisions of a bankrupt bill.

Mr. HAYNE replied to Mr. HOLMES.

Mr. TALBOT opposed the commitment of the bill, and advocated its passage to a third reading—not as the best system that could be adopted, but as better, for the relief of the unfortunate debtor, than the existing laws. He denied the power of Congress to pass insolvent laws.

Mr. VAN BUREN considered that the recommitment of the bill would be tantamount to its rejection, for the present session, at least. He went on to remark, briefly, upon the probable result of again committing the bill.

Mr. MACON spoke in favor of the passage of this bill, and commented upon the effects of imprisonment for debt, in relation to individuals, and to the community at large.

Mr. NOBLE moved the indefinite postponement of the whole subject. This motion was put, and decided in the negative—yeas 19, nays 20, as follows:

YEAS—Messrs. Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Knight, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Van Dyke, and Williams.

NAYS—Messrs. Barbour, Benton, Branch, Eaton, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Lloyd of Massachusetts, Lowrie, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren.

Mr. FINDLAY supported the motion to recommit the bill, on the ground that it required amendment in its details.

The question on committing the bill, with the instructions proposed by Mr. **HAYNE**, was divided; and first taken on committing merely. This was carried in the affirmative—18 to 17.

On the question upon instructing the committee, as proposed by Mr. **HAYNE**, a few remarks were made by the mover, and Messrs. **MILLS** and **VAN BUREN**. The latter part of those instructions, which respects the inquiry into the expediency of releasing those debtors who make assignments of their property for the benefit of their creditors from further liability, was agreed to, and the other part was rejected.

WEDNESDAY, April 7.

On motion, by Mr. **CHANDLER**, the Committee on the Militia were discharged from the consideration of the memorial of the Society of Shakers in New York; and, on motion by Mr. **MILLS**, the said motion was ordered to lie on the table.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri, and Territory of Arkansas; and for other purposes," in which they request the concurrence of the Senate.

DRAWBACK ON CORDAGE.

The bill "to allow drawback on the exportation of cordage, manufactured of foreign hemp," was taken up for consideration in Committee of the Whole.

Mr. **D'WOLF** made a few remarks on the subject, and Mr. **LANMAN** moved a new section to the bill, limiting its operation to the term of three years. This was agreed to.

Mr. **TALBOT** thought the bill ought to be postponed, until some decision should be had upon the Tariff bill, now before the other House. He moved the postponement of the bill to Monday next.

Mr. **SMITH** opposed the postponement, and advocated the bill, to which Mr. **TALBOT** replied. He opposed the allowance of drawback on cordage manufactured of foreign hemp, on the ground of its prejudicial operation upon the domestic growth of hemp.

Mr. **RUGGLES** spoke in favor of the bill. He denied the position that the drawback would operate against the hemp of our own growth—the drawback being already allowed on the exportation of the hemp, if not manufactured. He thought the industry and skill of our own citizens ought to be encouraged, by giving them the privilege of exporting this article, with the benefit of drawback, when it has received the additional value which their labor has given to it. He adverted to the policy of England in regard to her drawback system, and he contended that this measure would give additional aid to our commercial and manufacturing interests, and place us, in foreign markets, on a footing with the English. He spoke particularly of the advantages that would result to us, in our trade to South America, by the allowance of drawback on this article.

Mr. **DICKERSON** objected to any connexion between this bill and the tariff bill. He was opposed to the principles of the bill, and in favor of postponement.

Mr. **LLOYD**, of Massachusetts, thought the only consideration in favor of the postponement of this subject, was, its connexion with the tariff bill. It had been for a long while before the Senate; and the short time which remained for the transaction of the great mass of business before Congress, seemed to require, that it should be acted upon. He should, therefore, vote against postponement. He combatted the idea that the measure would injure our domestic growth of hemp. He thought it a narrow policy, indeed, to allow the drawback upon the imported *raw* material, and deny it upon the same article, when *manufactured* in our own country. He adverted to the beneficial effects which had resulted from the allowance of drawback upon other articles, and to the general advantages of the drawback system, which had been adopted as one of our principles of trade, from the very origin of our Government.

Mr. **LOWRIE** said, that he had found reason to change some of the opinions which induced him to vote against this bill, at the last session; but he still entertained some doubts on the subject, and his vote would now depend on the result of the tariff bill before the other House. He should be willing to vote for this bill, if it were so modified as to include hemp of domestic growth. He was not willing to do any thing to hurt the growth of this article, in our own country; as he thought its encouragement necessary to render us really independent of foreign nations. If the drawback, or bounty, were given on all cordage exported, without designation, it would tend to encourage the domestic growth of hemp. If the encouragement proposed in the bill now before the other House, were extended, he believed it would not be necessary to make such a provision in this bill, as that to which he had alluded. This he considered a very important bill. If the drawback were allowed on this article, he did not see why it should not also be allowed on iron, glass, and other articles. He was willing, however, to adopt the measure, in relation to cordage, provided the objection he had stated, could be removed. He was in favor of postponement.

Mr. **D'WOLF** again rose in support of the bill; briefly recapitulating, and referring to the reasons he had urged in favor of it, on its former discussion.

Mr. **TALBOT** spoke of the advantages possessed by the Western States for the growth of hemp—he believed that, with a reasonable degree of encouragement, six of the Western States would, in a short time, produce a sufficient quantity of this article to supply the consumption of the country. He avowed his perfect readiness to vote for this bill, if its friends were willing to extend its advantages as well to the domestic as to the foreign article; and intimated his willingness to withdraw his motion to postpone; and to move that the bill should be amended, by striking out from it the word "*foreign*," and thereby do away the distinction objected to.

Mr. **EATON** hoped that the gentleman would not withdraw his motion for postponement; and stated some reasons which induced him to wish that the bill might be postponed for the present. To this Mr. **TALBOT** assented; and the bill was postponed to Monday next.

INDIAN FUR TRADE.

The bill "to enable the President to carry into effect the treaty made at Ghent, the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens," was again taken up for consideration; Mr. **KNIGHT** was called to the chair. The question was, upon an amendment offered by Mr. **BARTON**, proposing a new section as a substitute for the third section of the bill.

The proposed amendment provides that the office of Superintendent of Indian Affairs, at St. Louis, and the present Indian Agency, on the waters of the Upper Missouri, shall be abolished; and authorizes the President to appoint Indian Agents, to be stationed among the Indian tribes, on the waters of the Upper Missouri. It makes it the duty of the Superintendents and Agents of Indian Affairs to prevent all citizens of the United States from hunting and trapping, on any Indian lands, and to enforce the laws against all such persons as shall be guilty of those offences—for which purpose, these superintendents and agents are to be authorized to call upon the nearest military posts of the United States for aid.

Mr. **BARTON** explained the objects of the amendment he had proposed. Mr. **BENTON** opposed, at considerable length, the first part of the amendment, providing for the abolition of the offices therein specified; but was willing to adopt the latter part of it, and thus re-enact the provisions of an act for 1802.

Mr. **LOWRIE** moved to amend the amendment, by striking out that part which proposes to abolish the present Indian Agency on the Upper Missouri. This was agreed to.

Mr. **BARTON** replied to the remarks of Mr. **BENTON**, in relation to the proposed amendment.

Mr. **BENTON** again addressed the Senate, against the proposition to abolish the office of Superintendent of Indian Affairs, at St. Louis.

Without taking the question on the amendment, the Senate adjourned till to-morrow.

THURSDAY, April 8.

The **PRESIDENT** communicated a letter from the Treasurer of the United States, transmitting the general accounts from the 1st of July, 1822, to the 30th June, 1823; which was read, and referred to the Committee on Finance.

On motion of Mr. **LLOYD**, of Massachusetts, the Committee on Naval Affairs was discharged from the further consideration of the petition of James Lloyd, of Indiana, who prays for a pension, in consequence of wounds received in the service of the United States, as a marine; and, on motion of Mr. **NOBLE**, the petitioner had leave to withdraw his papers.

On motion, by Mr. **NOBLE**, the Committee on Pensions were discharged from the consideration of the petition of Elkanah English, and of David Martin.

Mr. **HAYNE** presented the petition of John Bloomfield and others, aliens of the city of Charleston, in South Carolina, praying for such a modification of the alien laws, as will facilitate the naturalization of aliens; which was read, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, entitled "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," was read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the first amendment to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824;" they agree to the conference asked by the Senate on the disagreeing votes of the two Houses, on said amendment, and have appointed managers at the same on their part.

IMPRISONMENT FOR DEBT.

Mr. **JOHNSON**, of Kentucky, rose to request some member who voted for the recommitment of the bill "to abolish imprisonment for debt," to do him the favor to move a reconsideration of that vote. His wish was to have a distinct vote taken on the bill. Such a vote would not affect the proposition contained in the instructions which were given to the committee, on the recommitment of the bill, at the instance of the honorable member from South Carolina. He did not wish to press the subject upon the Senate, but hoped that an opportunity would be given to him to record his vote in favor of the bill.

Mr. **THOMAS**, who had voted in favor of recommitment, moved, in order to meet the wishes of the gentleman from Kentucky, that the vote by which the bill was recommitted should be reconsidered.

Mr. **HAYNE** opposed the reconsideration of that vote. He said he had stated, when he made the motion to recommit the bill, that he wished no member, who was in favor of the final passage of the bill, would vote for its recommitment; and he considered that vote as distinctly expressing the sense of the Senate on that subject. Mr. H. proceeded to consider the principles of the bill, and said, he believed it altogether an inefficient remedy for the evils which were intended to be met by it. With this view, he had moved to instruct the committee, on the recommitment of the bill, to inquire into the expediency of instituting a general system of bankruptcy. He hoped the vote to recommit would not be reconsidered.

Mr. TAYLOR, of Virginia, spoke in favor of reconsideration; and proceeded to show why this bill ought to be passed, without reference to a bankrupt system.

Mr. LOWRIE had not considered the vote to recommit, as deciding against the eventual passage of the bill. But, as it was now avowed to have taken place with a view to get rid of the bill, and, as he did not like to have it thrown out of the Senate in that way, he should vote for its reconsideration.

Mr. MILLS was opposed to reconsideration. He considered the vote to commit, as a decision on the part of the Senate, that the bill, patched as it was with amendments, ought not to pass, in its present shape. He went on to make some further remarks against the bill itself, and against the reconsideration. He thought it ought not to be taken up again, in its present form, at the present session of Congress.

Some further discussion, involving the principles of the bill, took place—in which Messrs. MACON, HOLMES, of Maine, JOHNSON, of Kentucky, VAN BUREN, FINDLAY, LLOYD, of Massachusetts, CHANDLER, J. S. JOHNSTON, MILLS, TAYLOR, of Virginia, and NOBLE, engaged. The question was then taken on reconsidering the vote by which the bill was recommitted, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, McIlvaine, Macon, Ruggles, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—23.

NAYS—Messrs. Barton, Bell, Clayton, D'Wolf, Edwards, Gaillard, Hayne, King of New York, Knight, Lloyd of Massachusetts, Mills, Noble, Parrott, Seymour, Van Dyke, Ware, and Williams—18.

The vote to recommit the bill having been thus reconsidered, the question again recurred upon recommitting it. That question was decided in the negative without division.

Mr. HAYNE then moved that the further consideration of the bill should be indefinitely postponed. He proceeded to show the objections which existed, in his mind, to the passage of this bill. He was perfectly willing to vote for a system which should relieve the honest debtor; and he believed such an one might be easily drawn, in which the rights of the creditor and the debtor might be preserved; but he believed this bill to be altogether inadequate to that effect.

Messrs. VAN BUREN, J. S. JOHNSTON, BRANCH, TALBOT, and JOHNSON, of Kentucky, addressed the Senate in favor of the bill, and Messrs. MILLS and HAYNE against it.

The question on postponing the bill indefinitely was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Knight, Mills, Palmer, Parrott, Ruggles, Seymour, Van Dyke, Ware, and Williams—18.

NAYS—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, Lanman, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—21.

The Senate having thus refused to postpone the bill indefinitely, it came up again for consideration. Some amendments, in its details, were proposed by Messrs. EATON, HOLMES of Maine, TALBOT, and VAN DYKE, and were agreed to. The question was then taken, on passing the bill to be engrossed and read the third time, and was carried in the affirmative.

FRIDAY, April 9.

On motion, by Mr. SEYMOUR, the Committee on the Judiciary were discharged from the consideration of the petition of James Thomas, and the petitioner had leave to withdraw his petition and papers.

On motion, by Mr. KING, of New York, a member was appointed on the Committee on Indian Affairs, in place of Mr. EDWARDS, of Illinois, (appointed Minister to Mexico;) and Mr. HAYNE was appointed.

The bill, entitled "An act providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," was read the second time, and referred to the Committee on Indian Affairs.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt," was read the third time. Objections were then made to certain parts of the bill, by Messrs. LANMAN, MILLS, VAN DYKE, and HAYNE—which were replied to by Messrs. TALBOT, VAN BUREN, and JOHNSON, of Kentucky. One or two immaterial amendments were made, by general consent. An amendment proposed by Mr. JOHNSON of Kentucky, was objected to by Mr. HAYNE—and one submitted by Mr. VAN BUREN, was objected to by Mr. LOWRIE; they could not, therefore, be received; as no amendment can be considered, after the third reading of a bill, except by general consent.

The question was then taken, on the final passage of the bill, and carried in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Eaton, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Williams—24.

NAYS—Messrs. Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Van Dyke, and Ware—19.

So the bill passed the Senate.

The usual question on the title being put, Mr. MILLS moved that it be stricken out. He thought the provisions of the bill did not concur with its title—and that it was holding out an appearance of a general abolition of imprisonment for debt, when such a thing was not to be effected by the bill. He proposed to substitute the following: "A bill to regulate the processes of the courts of the United States, in certain cases." This was objected to by Messrs. Johnson, of Kentucky, Talbot, and Holmes, of Maine. It was contended, by the friends of the bill, that they ought, at least, to have the privilege of naming their own child—that there could be no harm in leading the people to the sweet belief, for a few weeks, at least, that imprisonment for debt was to be abolished—and that, as so many amendments had been made in the bill, the title, being the best remaining part of it, ought not to be lost. The question was then put, upon striking out the title of the bill, and decided in the negative.

Mr. Chandler moved to amend the title, by adding to it the words, "in certain cases;" so as to read, "a bill to abolish imprisonment for debt, in certain cases." This was not agreed to. The original title was approved; and the bill sent to the other House for concurrence.

PROTECTION OF THE FUR TRADE.

The unfinished business of Wednesday last, being the further consideration of the bill "to 'enable the President to carry into effect the 'treaty made at Ghent, the 24th December, 1814, 'excluding foreigners from trade and intercourse 'with the Indian tribes within the United States, 'and to preserve the fur trade within the limits 'of the said United States to American citizens," was then taken up; Mr. Knight in the Chair.

The question was upon the adoption of a new section, proposed by Mr. Barton, as a substitute for the third section of the bill. The amendment provides, that the office of superintendent of Indian affairs at St. Louis shall be abolished, and authorizes the President to appoint a certain number of Indian agents, to be stationed among the Indian tribes on the waters of the Upper Missouri. It makes it the duty of the superintendents and agents of Indian affairs, to prevent all citizens of the United States from hunting and trapping on any Indian lands, and to enforce the laws against all such persons as shall be guilty of those offences; for which purpose, the superintendents and agents are to be authorized to call upon the nearest military posts of the United States for aid.

On the suggestion of Mr. Benton, the motion was divided, and the question put upon striking out the third section of the bill, which authorizes the appointment of two sub-agents, to be employed among the Indian tribes on the waters of the Upper Missouri, with annual salaries of $800 each. Some remarks were made by Messrs. Benton and Barton; and, the question being put, the Senate refused to strike out the third section.

Mr. Lowrie moved to strike out the fifth section of the bill. It provides an appropriation of $13,000 "to enable the President to cause a competent military force to be transported to, and stationed at, such point on the Upper Missouri, as he shall deem best calculated to effect the objects of this bill." Mr. L. said he thought it would be quite time enough for us to take measures for the protection of our fur trade, when we had succeeded in preventing our own citizens from hunting and trapping on the Indian territories.

Mr. Benton read some documents in relation to the expense of the proposed expedition, and to prove its necessity as a means for protection to, and increase of, our valuable fur trade. He said the only question was, whether the fur trade was worth the expense of supporting four companies to protect it. He believed it was well worth the expense.

Mr. Holmes, of Maine, thought that a single post would be altogether inadequate to the contemplated object. A line of posts would be necessary, which would involve the country in great expense. He adverted to the question of our right to invade the Indian territory with an armed force. We have the power to do it, but he denied the right. It was entering again into a course of policy which the Government had, after mature deliberation, relinquished.

Mr. Johnson, of Kentucky, spoke of the establishment of military posts, for the protection of our frontiers, as a necessary power, and one which had been always been exercised by the Government. He contended for the power and the right of extending protection against the aborigines on the Western waters, and for the preservation of the fur trade. Mr. J. proceeded to show the necessity of a military post in the quarter of the country mentioned in this bill.

Mr. Holmes, of Maine, replied to Mr. Johnson. He was disposed to do every thing necessary for the protection of the West; but did not believe this measure to be requisite for that purpose. He did not consider this a question appertaining merely to the Western country, for many of the Western members had, as he recollected, voted against the appropriation for the Yellow Stone expedition. He again alluded to the necessity of a *line* of posts for the protection of that to be established by this bill.

Mr. Mills said, if satisfied of the necessity of this measure, he should not inquire whether it was for the good of the East or the West, or what was the expense. He thought the first part of the bill very proper. As far as negotiation went, he approved it. We had always considered these tribes as independent nations, and treated them as such. He was willing to negotiate with them on this subject; but was not willing to march a military force into their country in time of peace. He reverted to the policy of this Government towards the Indians; to the character of our treaties with them; and the tenure by which they hold their lands. When we are at war with these Indian nations, we have undoubtedly a right to march our troops into, and take possession of, their country; but he denied, altogether, the right to do this in time of peace. He thought the Indians were already sufficiently restricted in their rights, without intrenching upon those which they possess. They have as good a right to carry their furs to the British, as to any other traders; as much so, as we have to sell our goods to whomsoever we choose. Mr. M. thought the principal difficulties with the Indians arose from the infringement of their rights by our citizens in hunting and trapping on the Indian grounds. He was in favor of striking out the fifth section.

Mr. BENTON replied to Mr. MILLS. He referred to the first section of the bill, as doing away the objection which had been made to the fifth—as it provides for the negotiation referred to. He said the question was not, whether we should prevent the Indians from selling their furs to whomsoever they please, but, whether we shall prevent British traders from coming into our own territory to trade with the Indians. He spoke of the expense which the country had incurred in protecting our commerce against the Barbary Powers; and drew a comparison between those Powers and the Indian tribes on our Western frontiers.

The question on striking out the fifth section of the bill was then put, and carried in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Dickerson, Gaillard, Holmes of Maine, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware—30.

NAYS—Messrs. Barton, Benton, Eaton, Edwards, Findlay, Hayne, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, and Talbot—12.

Mr. KING, of New York, spoke briefly upon the principles of the bill, to which Mr. BENTON replied.

Mr. J. S. JOHNSTON proposed a new section, by way of amendment; which was the same as the fifth section just stricken out, except that the consent of the Indian tribes shall be obtained, previous to the establishment of the contemplated military post. Mr. J. proceeded to support the amendment, by a reference to our various relations with the Indians; he alluded to the remarks of Mr. MILLS, and contended for the right to establish the post even without their consent.

Mr. MILLS replied, and supported the ground he had formerly taken in regard to the territorial independence of the Indians. He spoke of our relations with the Indians in regard to civil matters; such as the commission of crimes, &c. If they commit murders, or other crimes among themselves, Mr. M. said, they were not held amenable to our laws—they were considered, by our treaties, as distinct nations, and independent of us.

Mr. HOLMES, of Maine, was still opposed to this project for sending a military force into the Indian country—he thought it would be time enough to consider this plan, after their consent had been obtained by treaty.

On motion of Mr. EATON, the bill was ordered to lie on the table, and the amendments to be printed.

The Senate then adjourned.

MONDAY, April 12.

Mr. KING, of New York, presented the petition of John H. Howland, praying the benefit of drawback of the duty on two hundred and thirty-seven boxes of sugar, exported by himself and others, from New York to Hamburg, in Europe; which was read, and referred to the Committee on Finance.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place, and for other purposes, reported it without amendment.

Mr. SMITH, from the same committee to whom was referred the bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of internal tax," reported it without amendment.

Mr. SMITH, from the same committee, to whom was referred the memorial of William Thornton, reported a bill relative to the Patent Office, and to the salary of the Superintendent thereof; which was read, and passed to a second reading.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act to repeal an act, approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan,'" reported it without amendment.

Mr. KELLY presented the petition of David Tate, of Alabama, praying payment for a quantity of forage, taken from him by officers in the service of the United States, in the year 1814, which was read, and referred to the Committee of Claims.

On motion, by Mr. DICKERSON, the Joint Library Committee were discharged from the consideration of the petition of Nathaniel Potter, and others, respecting Newell's Planetarium, and it was referred to the Committee on Military Affairs.

Mr. HENRY JOHNSON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was laid on the table.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate so much of the correspondence of the Minister of the United States at the Court of Lisbon, with the Government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as may be in the possession of the Government, and which, in his opinion, may, without injury to the public interests, be made known.

The Senate resumed, as in Committee of the

Whole, the bill entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the appointment of a Surveyor General of the lands of the United States, for the State of Louisiana, and one Surveyor General of the lands of the United States, for the State of Mississippi; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to fix the western boundary line of the Territory of Arkansas; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Colonel William Duane; and, on motion, it was ordered to lie on the table.

Mr. VAN BUREN laid on the table a letter from E. Causici, sculptor, announcing the completion of the model of the allegorical group intended for the Senate Chamber; and it was referred to the Committee on Finance.

The Senate proceeded to consider, as in Committee of the Whole, the bill to establish a Surveyor General's office in the Territory of Arkansas; and, on motion, it was postponed.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper; and, on motion, it was postponed until Friday next.

Mr. MACON said he thought it was quite time that Congress should be looking towards the time of adjournment; and, with a view to bring the subject before the Senate, he offered a joint resolution authorizing the President of the Senate and the Speaker of the House of Representatives to adjourn the present session of Congress on the fourth day of May next.—The resolution was read, and passed to the second reading.

The bill reported by the Committee on the Judiciary, "in addition to an act regulating the election of President and Vice President of the United States," was then taken up for consideration.

Mr. VAN BUREN submitted some additional sections as amendments to the bill; they were ordered to be printed, and the bill was then postponed to, and made the order of the day for, to-morrow.

The bill from the House, "confirming certain acts of the Legislative Council of the Territory of Florida," was taken up for consideration in Committee of the Whole. It was reported to the Senate without amendment, and passed to a third reading.

The bill reported by the Judiciary Committee, "to alter the time for holding the district court for the district of Missouri," was taken up in Committee of the Whole.

Mr. VAN BUREN stated the grounds for making the proposed change. The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on the District of Columbia, "for the relief of Hezekiah Langley and Benjamin M. Belt," was taken up in Committee of the Whole. This bill provides payment of certain repairs made in the circuit court room in the City of Washington.

Mr. EATON moved an amendment to the bill, to provide payment for some further items connected with those repairs.

Mr. CHANDLER made some remarks in relation to the expenditure of money, in such cases, without appropriations by Congress.

Messrs. EATON, HOLMES, of Maine, BARBOUR, NOBLE, LOWRIE, LANMAN, SMITH, and MILLS, spoke upon this subject. The amendment was rejected. The bill was reported to the Senate, and was refused a third reading—15 in favor, 16 against it.

The bill reported by the Judiciary Committee "for the relief of Thomas Hewes," was taken up for consideration in Committee of the Whole. This bill provides for the repayment of a certain sum of money, paid into the Treasury by Mr. Hewes, on a bond; the amount having been previously paid. The bill was reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill reported by the Committee on the Judiciary, "to alter the time of holding the district courts of the United States for the district of Illinois," was taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read the third time.

CLAIM OF VIRGINIA.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

The Executive of Virginia having requested payment of the amount of interest, paid by the State, for moneys borrowed by it, for services rendered by the militia, in the late war, and such claim not being allowable, according to the uniform decisions of the accounting officers of the Government, I submit the subject to your consideration, with a report from the Secretary of War, and all the documents connected with it.

The following are the circumstances on which this claim is founded. From an early stage of the war, the squadrons of the enemy entered occasionally the Chesapeake Bay, and, menacing its shores, and those of the principal rivers emptying into it, subjected the neighboring militia to calls from the local authorities, for the defence of the parts thus menaced. The pressure was most sensibly felt in 1814, after the attack on this city, and its capture, when the invading force, retiring to its squadron, menaced alike Baltimore, Norfolk, and Richmond. The attack on this city had induced a call, by the Department of War, for large detachments of the militia of Pennsylvania, Maryland, and Virginia, which, being collected in this quarter, and the enemy bearing, in the first instance, on Baltimore, were ordered to its defence. As early as the 31st of August, notice was given by the Secretary of War, to the Governor of Virginia, of the position of the enemy, and of the danger to which Richmond, as well as Norfolk and Baltimore, were exposed, and he was also authorized and enjoined to be on his guard, prepared at every point, and in every circumstance to meet and repel the invaders. This notice was repeated several times afterwards, until the enemy left the bay, and moved to the South.

In the course of the war, the State had augmented its taxes to meet the pressure; but, the funds being still inadequate, it borrowed money to a considerable amount, which was applied to the payment of the militia, for the services thus rendered. The calls which had been made, except for the brigades in this quarter, and at Norfolk, being made by the State, the settlement with those corps, and the payment for their services were made, according to the rules and usage of the Department, by the State, and not by the United States. On the settlement by the State, after the peace, with the accounting officers of the Government, the reimbursement of the interest, which the State had paid, on the sums thus borrowed, and paid by the militia, was claimed, but not allowed, for the reason above stated. It is this claim which I now submit to the consideration of Congress.

It need scarcely be remarked, that, where a State advances money for the use of the General Government, for a purpose authorized by it, that the claim for the interest of the amount thus advanced, which has been paid by the State, is reasonable and just. The claim is the stronger under the circumstances which existed when those advances were made, it being at a period of great difficulty, when the United States were compelled to borrow very large sums, for the prosecution of the war. Had the State not borrowed this money, the militia, whose services have been recognised since by the nation, must have been disbanded, and the State left without defence.

The claim is, in my opinion, equally well founded, when a State advances money which it has in its Treasury, or which it raises by taxes, to meet the current demand.

In submitting this claim to your consideration, it is proper to observe, that many other States have like claims with those of Virginia, and that all those similarly circumstanced should be placed on the same footing. I invite your attention to a principle, which is deemed just, and with the view, that the provision which may be made respecting it, may be extended alike to all the States.

JAMES MONROE.

The Message was read, and ordered to lie on the table.

THADDEUS MAYHEW.

On motion of Mr. H. JOHNSON, of Louisiana, the bill, reported by the Committee on Claims, "for the relief of Thaddeus Mayhew," was taken up for consideration in Committee of the Whole. This petitioner claims compensation for property in the vicinity of the city of New Orleans, taken by the United States troops, and for property destroyed by the British troops during the late war.

Mr. RUGGLES stated the grounds of the claim, and moved to fill the blank for the amount to be allowed with $1,298 50. This amount was to remunerate the petitioner for property taken for the use of the United States.

Mr. H. JOHNSON, of Louisiana, moved to amend the bill by adding a clause to grant compensation for a saw-mill, lumber, &c., belonging to this petitioner, destroyed by the British troops. Mr. J. made some remarks in support of this amendment; he stated the facts connected with the destruction of this property, and read several documents in relation thereto. He said the saw-mill in question was destroyed in consequence of its occupation by the American troops; and, if it was paid for, as he thought it ought to be, the whole sum to be allowed would be about twelve or thirteen thousand dollars.

Mr. RUGGLES replied to Mr. JOHNSON. He thought the petitioner had failed to establish the fact of the destruction of the saw-mill in consequence of its occupation by the United States troops, and proceeded to comment upon the evidence laid before the Committee on Claims. He contended that it was a principle that could never be adopted by the Government, to make compensation for all property destroyed by the enemy; it would consume more funds than the nation could command, and make it bankrupt at once.

Mr. JOSIAH S. JOHNSTON, of Louisiana, supported the amendment, and Mr. H. JOHNSON made some further remarks in answer to Mr. RUGGLES. The amendment was rejected. The blank in the bill was filled with $1,298 50. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

COPY-RIGHTS OF PAINTINGS, &c.

The bill "extending the benefit of copy-rights to the authors of paintings and drawings" was taken up in Committee of the Whole. It was reported to the Senate without amendment.

Mr. MILLS stated some difficulties which he thought would attend the passage of this bill.

Mr. LOWRIE said he had been induced to introduce the bill by the remark of Mr. Peale, in relation to his portrait of WASHINGTON; he was applied to for the purchase of the painting, but said he should be unwilling to sell it, if he could not have the same privilege of profiting by his work as writers of books have in theirs. Mr. L. did not know why he should not have that privilege.

Mr. MILLS replied that, had such an act as this been in existence before Mr. Peale executed his paintings, he could not have completed it; as Stuart had previously executed a portrait of WASHINGTON, from which this of Mr. Peale's was but a copy, with some little embellishment. He thought such an act of Congress would have a great tendency to retard the progress of the art of painting, as it would do away the right of imitating and attempting to excel paintings already in existence.

Messrs. LANMAN, HOLMES, of Maine, LOWRIE, and TALBOT, made some remarks on the subject.

Mr. LOWRIE observed, that the arguments of the gentleman from Massachusetts (Mr. MILLS) would apply equally to all the patent laws, as it was equally as improper to give exclusive privileges to inventors of machines, &c., as to authors of paintings. The bill was reported to the Senate, and it was refused a third reading.

SARAH CHITWOOD.

The bill from the House, and which was reported by the Committee on Pensions in the Senate, "for the relief of Sarah Chitwood," was taken up in Committee of the Whole.

Mr. **NOBLE** stated the grounds of this bill, and said that a majority of the Committee on Pensions were against the passage of the bill, and had instructed him to move its indefinite postponement.

Mr. **LANMAN** stated that the person for whose relief this bill was drawn, was the widow of an officer who was in the service of the United States during the late war. In consequence of hardship and fatigue in the service, he was taken sick; and, being in a deranged state of mind, was carried home by his family, and he died in nine days afterwards. Had his decease taken place before he was carried home, his widow would have obtained the pension allowed by law. Mr. L. contended that she came within the spirit if not within the letter of the law.

Messrs. **EATON** and **H. JOHNSON**, of Louisiana, also supported the claim; and Messrs. **CHANDLER** and **NOBLE** opposed it, on the ground that the husband of the petitioner did not die in the service, and that if it was adopted as a principle, that the widows and orphans of persons contracting diseases in the public service, which caused their subsequent death, were to draw pensions, a general law to that effect ought to be passed; but, as the law at present only makes this provision for the relatives of those who actually die in the service, the pension ought not to be given to this petitioner any more than if her husband had died ten years after.

The bill was then indefinitely postponed.

TUESDAY, April 13.

Mr. **NOBLE**, from the Committee on Pensions, to whom was referred the bill entitled "An act concerning invalid pensions," reported it with an amendment; which was read.

Mr. **VAN BUREN**, from the Committee on the Judiciary, to whom was referred the resolution to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788, reported it without amendment.

Mr. **VAN BUREN**, from the same committee, reported the bill to provide for the settlement of certain pecuniary claims against the United States, without amendment.

Mr. **VAN BUREN**, from the same committee, reported the bill in further addition to "An act to establish an uniform rule of naturalization," without amendment.

Mr. **VAN BUREN**, from the same committee, to whom the subject was referred, reported a bill in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," which was read, and passed to a second reading.

On motion of Mr. **BARBOUR**, the Message received yesterday from the President of the United States, in relation to the claim of the State of Virginia for interest on moneys borrowed for military purposes, during the late war, together with sundry documents relating to the same subject, were referred to the Committee on Military Affairs, and ordered to be printed for the use of the Senate.

The bill "for the benefit of Thaddeus Mayhew;" the bill "giving the consent and sanction of Congress to certain acts of the Legislative Council of the Territory of Florida;" the bill "to alter the time for holding the District Court of the United States for the District of Missouri;" the bill "for the relief of Thomas Hewes;" and the bill "to alter the time of holding the District Court of the United States in the District of Illinois;" were severally read the third time, and passed.

On motion of Mr. **BARTON**, who had voted in the affirmative of the question yesterday, the vote by which the Senate refused a third reading to the bill "for the relief of Hezekiah Langley and Benjamin M. Belt," was reconsidered. The question again recurring on passing the bill to a third reading, the bill was supported by Messrs. **LLOYD**, of Maryland, **EATON**, **TALBOT**, **BARBOUR**, **NOBLE**, and **SMITH**, and opposed by Messrs. **CHANDLER**, **LOWRIE**, **TAYLOR**, of Virginia, **FINDLAY**, and **MACON**. This bill provides payment for certain fixtures in the Circuit Court room, in the City of Washington, which were made over and above the expenditure of the amount appropriated, at the last session, for the preparation of this court room. It was contended, on the one hand, that these fixtures were absolutely necessary for the accommodation of the Court, and that the persons who made them ought certainly to be paid. On the other hand, it was remarked that, although it was a hard case that these persons should lose the pay for their work, yet Congress should always express its decided disapprobation of any expenditures over the amount actually appropriated by law.

The question was put, upon passing the bill to a third reading, and decided in the affirmative—yeas 26, nays 14. So the bill passed to be read the third time.

ELECTION OF PRESIDENT.

The Senate then proceeded, as in Committee of the Whole, to consider the bill reported by the Committee on the Judiciary, "in addition to the act relative to the election of a President and Vice President of the United States." The question was upon agreeing to certain additional sections, proposed by Mr. **VAN BUREN** as amendments.

Mr. **VAN BUREN** explained, concisely and clearly, the provisions of this bill, and the reasons which induced the committee to introduce it.

On motion of Mr. **EATON**, the amendments to the bill were ordered to lie on the table, in order that he might offer an amendment. Upon the amendment proposed by Mr. EATON, some remarks were made by the mover, and by Messrs. MILLS and VAN BUREN.

The bill and amendments were then ordered to lie on the table.

TIME OF ADJOURNMENT.

The resolution submitted yesterday by Mr. MACON, fixing the fourth day of May next, for the termination of the present session of Congress, was taken up for consideration.

Some remarks on the subject were made by Messrs. MACON, FINDLAY, BARBOUR, NOBLE, and RUGGLES. Mr. NOBLE moved that the resolution be ordered to lie on the table. This question was determined in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barton, Bell, D'Wolf, Dickerson, Edwards, Findlay, Kelly, King of Alabama, Knight, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Talbot, and Thomas—16.

NAYS.—Messrs. Barbour, Branch, Chandler, Clayton, Eaton, Elliott, Hayne, Holmes of Maine, Jackson, J. S. Johnston of Louisiana, King of New York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Palmer, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Ware, and Williams—14.

Mr. RUGGLES then moved that the further consideration of the resolution be postponed till Monday next. Upon this motion considerable debate arose, in which Messrs. RUGGLES, TALBOT, SMITH, HOLMES, of Maine, DICKERSON, MACON, and FINDLAY, took part. The motion for postponement till Monday prevailed.

COMMERCE WITH PORTUGAL.

The resolution submitted yesterday by Mr. LLOYD, of Massachusetts, requesting the President of the United States "to cause to be communicated to the Senate so much of the correspondence of the Minister of the United States at the Court of Portugal, as has reference to the commercial relations between the two countries; together with such other information connected therewith as may be in possession of the Government, and which, in his opinion, may, without injury to the public interest, be made known," was read for consideration.

Mr. LLOYD observed, that, as he introduced the resolution, it might be considered incumbent on him to state the views which had led him to do it. The resolution had reference rather to the respective aspects of our trade with that Kingdom, than to the present situation of it; the latter was too well known to be in a depressed and diminished state. For a long series of years our commercial relations with Portugal had been, he said, of the most beneficial and reciprocally acceptable character. It was a trade which seemed peculiarly to entitle itself to the favor of the political economists of the present day. It was a trade prosecuted almost entirely from the domestic or home productions of the United States—in the fish, in the provisions generally, and the pearl ashes of the North; but principally in the breadstuffs—the corn, the wheat, the flour, the rice, and the staves of the South. Our exports in it, formerly, very much exceeded our imports; while we exported no specie to Portugal, but, at times, received considerable sums in dollars from it, as returns for our outward cargoes; and both these circumstances were strong recommendations of it to the same school.

Another course of this trade, was to send out to Portugal, from the United States, valuable cargoes of domestic produce; for we were allowed to carry none other, of any consequence, for the purpose of accumulating funds there for more distant objects; the vessels returning home with a ballast of salt, with a part of the proceeds of their outward cargoes invested in wines, and a very small part also in fruit, leaving the residue of their funds to furnish the specie means for the prosecution of our West India trade, the vessels touching at Lisbon, on their passage out, to receive it; and also to provide remittances to London and Amsterdam, in payment for cargoes of Russian and Swedish products, for our vessels to bring to the United States. This was the state of the trade formerly. All parties were satisfied with it, for it furnished the most steady market in Europe for our domestic productions; and the international feelings to which it gave rise were of the most grateful character. Mr. L. said he recollected, perfectly well, a conversation on this subject, which he had the honor to have, twelve or fourteen years since, with the very distinguished statesman then at the head of the Government, Mr. Madison, who remarked to him that, with no Power in Europe had our foreign relations been on so uniformly a friendly footing, as those with the Government of Portugal. He said we had never made a request to Portugal, which she had not acceded to.

Thus the intercourse between the two countries remained, Mr. L. believed, with the intermission of the late war, until the year 1816, when the tariff of that year operated so injuriously on the trade in the wines of Portugal, as to induce the Government of that country strongly to remonstrate against it, as a very onerous imposition on the principal article of her exports, and as unfriendly to her intercourse with us. Her remonstrances, however, being unavailing, after a time she resorted to another course, which, perhaps, before long, may be resorted to by other Powers than Portugal, and perhaps for more than one of the great staples of the country. She either excluded, altogether, the corn of the United States, or so heavily taxed it with our flour, as to amount nearly, if not entirely to a prohibition. And, on the other hand, as soon as the tariff of 1816 came into operation, the importation of Portugal wines immediately decreased more than one-half.

To remedy this unpleasant feeling, and the deranged commercial relations between the two countries, he had understood were the objects for which General Dearborn had been sent to Lisbon, with the expectation that he might be able to negotiate a commercial treaty, or make some acceptable arrangement with the Portuguese Government, which might restore the former good feelings and friendly intercourse between the two nations. The object of the proposed resolution was to ascertain how far this attempt had been successful, or what prospect there was that it might become so hereafter.

And while speaking on this subject, Mr. L. said, he thought it might not be wholly useless were he to retrace, very briefly, the effect that had been produced on the trade with Portugal, by the tariffs which had, at different times, been adopted in the United States, operating upon her principal article of export, her wines, and which, from self-defence, she would feel herself bound to protect; and the effect they had also produced on the trade of the United States with her.

In the earliest period of the Federal Government, on the enactment of the first tariff law, in 1790, a duty was laid on the wines of Portugal of eighteen cents a gallon on the high priced Madeira, and ten cents a gallon on Lisbon wine. This was a very low rate of duty. It was obvious the article was susceptible, without injury, of a much higher rate; accordingly, two years after, in 1792, when the law was revised, the duty was greatly increased, and fifty-six cents was then imposed on Madeira, and twenty-five cents per gallon on Lisbon wine; which probably was about as high a rate of duty as the articles would bear. And thus it remained until 1800, when the tariff was again advanced; but the wise men who then had in charge that law, judiciously supposed that the existing duty on wines had nearly reached the acme at which it would be productive; they, therefore, touched these articles very lightly, contenting themselves with imposing only two cents additional a gallon on Madeira wine, and five cents on Lisbon. Thus it remained, and the trade and intercourse between the two countries expanded, to their mutual benefit, until the tariff policy of 1816 prevailed. The effect of that policy became instantly visible. What it was, was an inquiry of some point, and would attract the attention of the Senate.

In the custom-house year, 1815-16, we imported into the United States—

Of Lisbon wine - - -	654,608	gallons.
Of Madeira - - -	314,891	do.

Then came the overwhelming tariff of 1816, which raised the duty 90 per cent. on Madeira, and more than sixty per cent. on Lisbon wine; and the very next succeeding year the importation of the first fell off nearly one-half—from 314,891 gallons, to 186,108 gallons; and of the second more than two-thirds—from 654,608 gallons, to 194,187 gallons; furnishing a good lesson for financiers. And the trade, he said, had remained crippled from that time to the present; for, in 1823, we imported only 130,067 gallons of Madeira, and 124,101 gallons of Lisbon wine—being less than one-half the quantity we had imported so long ago as twenty-five years, since which our population had more than doubled, and our agricultural products quadrupled.

The same tariff of 1816 had also affected our exports to Portugal in another way; it had almost extinguished the trade to Bengal, and the exportation of domestic produce, in part, to pay for it; a trade which formerly employed thirty or forty fine ships, and occupied eight or ten millions of dollars of capital; and another tariff bill, if it passed, imposing a heavy duty on hemp and iron, would deal out the same fate to about four times the same number and description of vessels now engaged in the trade with the North sea and the Baltic.

These were the views, Mr. L. said, which induced him to offer the resolution under consideration, and which he hoped it might be acceptable to the Senate to pass.

The resolution was agreed to, without division.

WEDNESDAY, April 14.

On motion, by Mr. NOBLE, the Senate resumed the motion of the 26th of March, to discharge the Committee on Pensions from the consideration of the resolution of the 27th of January, instructing them to inquire into the expediency of placing James Morrow on the pension list; and agreed thereto; and, on motion, by Mr. LOWRIE, James Morrow had leave to withdraw his papers.

The bill relative to the Patent Office, and to the salary of the Superintendent thereof; and the bill in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," were severally read the second time.

The Senate resumed, as in Committee of the Whole, the bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and providing for the discipline thereof; and, on motion, it was postponed to Monday next.

The bill for the relief of Hezekiah Langley and Benjamin M. Belt, was read the third time, and passed.

On motion of Mr. McILVAINE, the Senate then proceeded to consider the bill "for the relief of Ichabod Lord Skinner." This bill was reported by the select committee on roads and canals. Mr. Skinner claims payment for work done on the Cumberland Road, over and above what he had contracted to do; for interest on moneys due him; and for expenses and losses sustained, in consequence of the failure in his payment. The committee report a detailed statement of the facts connected with the case; and, also, a bill referring the claims of the memorialist to the Secretary of the Treasury, with power to settle them on equitable principles. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

Mr. BARBOUR gave notice that he should, to-morrow, ask leave to introduce a bill "for the relief of Nimrod Farrow and Richard Harris."

ELECTION OF PRESIDENT.

On motion of Mr. VAN BUREN, the bill reported by the Judiciary Committee, in addition to an act relative to the election of a President and Vice President of the United States," was again taken up for consideration, in Committee of the Whole; Mr. **GAILLARD** in the Chair. The amendment offered yesterday by Mr. **EATON**, and those heretofore offered by Mr. **VAN BUREN**, were withdrawn, in order to give way for the introduction of an amendment by Mr. **MILLS**. Mr. M.'s motion was, to insert three new sections. The first of these sections provides that the Electors shall make five certificates of the votes given for President and Vice President; that one of these copies shall be sent by a special messenger; one by the Post Office, as at present; that two other copies shall be transmitted, on successive days, by mail; and the other copy be deposited as at present, in the office of the District Judge. The second section provides that five lists of the Electors shall be prepared by the Executive of each State. The third section prescribes the penalties of fine and imprisonment to be incurred by the special messenger, the postmaster, or any other person, who shall suppress, delay, or hinder, the transmission of these votes to the Seat of Government.

Mr. **MILLS** explained the operation of the several amendments he had proposed. Mr. **VAN BUREN** expressed his concurrence in them. The question was then taken upon them, severally. The two first were adopted without further discussion. The third, respecting the penalties, gave rise to a cursory discussion, the principal part of which turned upon the question whether the discretion, in respect to the *quantum* of punishment to be inflicted, should be left to the court, or to the jury. Mr. **BARBOUR**, who had moved to strike out "court," and insert "jury," in the bill, supported his amendment, by remarking, at some length, on the propriety of giving this power to the jury. Mr. **KELLY** spoke in favor of vesting it in the court. He cited several cases, in his part of the country, in which heavy damages had been awarded, by juries, for mere indiscretions. Messrs. **HOLMES** of Maine and **FINDLAY** submitted some remarks upon the proposed amendment. It was then rejected. The section was then adopted.

The first section of the original bill, as reported by the committee, was then read. Several amendments, in its details, were proposed by Mr. **MILLS**, and were agreed to by the Senate. The second section was afterwards read, and modified considerably, on the motion of Mr. **VAN BUREN**. Mr. **TAYLOR**, of Virginia, made some remarks upon the power of the two Houses of Congress to reject the Electoral votes.

The amendments heretofore proposed by Mr. **VAN BUREN**, were again taken up, and agreed to.

Mr. **MILLS** then proposed a new section, making it the duty of the Secretary of State to transmit a copy of this act to the Executive of each State, to be laid before the Electors of President and Vice President next to be chosen; and repealing all acts or parts of acts inconsistent with the provisions of this. The amendment was agreed to.

The details of the bill were further discussed by Messrs. **EATON**, **VAN BUREN**, **HOLMES**, of Maine, and **CHANDLER**. The further consideration of the bill was postponed till Friday next; and it was ordered to be printed, as amended.

THURSDAY, April 15.

Mr. **LLOYD**, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred by a resolution of the Senate of the 3d February, reported a bill, in addition to an act, establishing navy hospitals; which was twice read by unanimous consent. He also laid on the table a letter and documents from the Secretary of the Navy, relating to said bill, and they were ordered to be printed.

Mr. **TALBOT** presented the memorial of Thomas Law and others, in behalf of sundry citizens of the United States, lately assembled at Washington, praying the establishment of a national currency; which was read, and referred to the Committee on Finance.

Mr. **BARBOUR** asked and obtained leave to bring in a bill for the relief of Nimrod Farrow and Richard Harris; which was read, and passed to a second reading.

On motion by Mr. **LLOYD**, of Massachusetts, the Senate resumed the report of the Committee on Naval Affairs, on the petition of Thomas Johnston; and, on motion, the report was ordered to lie on the table and be printed for the use of the Senate.

Mr. **KELLY** presented the petition of William Stedman, praying remuneration for losses sustained by the impressment of his property into the public service during the late war; which was read, and referred to the Committee of Claims.

On motion of Mr. **LLOYD**, of Massachusetts, the bill from the other House, "for the relief of Barbara Paulas," was taken up for consideration, in Committee of the Whole. Mr. L. stated the grounds of the bill. The petitioner was the mother of a seaman, lost in the sloop-of-war Wasp. An act of Congress was passed, for the relief of the relatives of those who were lost in that vessel, provided application was made for such relief within two years from the passing of the act. This petitioner, being in a very humble situation in life, neither knew of the passage of the act, nor of its limitation. She now prays for the benefit of the act, notwithstanding the expiration of the specified time; and the bill proposes to grant her prayer. The bill was reported to the Senate without amendment, and passed to a third reading.

The bill reported by the Committee on Public Lands, "supplementary to the several acts providing for the settlement of claims to lands in the State of Missouri," was next taken up in Committee of the Whole. Mr. **BARTON** briefly stated the objects of the bill, and moved an amendment in relation to certain "commons" attached to the towns and villages in the State of Missouri. The amendment was adopted, and the bill was reported to the Senate, and passed to be engrossed, and read a third time.

The bill "for the relief of Ichabod Lord Skinner" was read the third time, passed, and sent to the other House for concurrence.

On motion of Mr. **LLOYD**, of Maryland, the bill reported by the Committee on the District of Columbia, "for enclosing the burial ground of Christ Church, Washington Parish," was taken up for consideration in Committee of the Whole. This bill grants $2,000, to aid in the erection of a suitable fence around the burial ground, in which the members of the Government, who have deceased in the city of Washington, have been buried.

A discussion took place on the propriety of making this grant, in the course of which Messrs. Lloyd of Maryland, Barbour, and Smith, supported the bill, and Messrs. Macon, Chandler, and Taylor of Virginia, opposed it. Mr. Chandler moved to reduce the appropriation to $1,000. This was not agreed to. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The bill reported by the Committee on Finance, "for the relief of Elijah Van Syckle," was taken up in Committee of the Whole. Mr. Smith explained the objects of the bill. It proposes to give the person for whose relief it is drawn, an extension of time for the payment of duties on certain articles, which were destroyed by fire, in Philadelphia. Messrs. King of New York, and Lowrie made a few remarks on the subject. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on Naval Affairs, "for the relief of Thomas Shields," was next taken up in Committee of the Whole. The bill relates to the distribution of certain prize-money. Mr. Lloyd, of Massachusetts, explained its object. It was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill from the House of Representatives, "to repeal the act for the relief of John P. Hogan," was then taken up in Committee of the Whole. Mr. Ruggles explained its object. The bill was reported to the Senate, and passed to a third reading.

The bill from the other House, "authorizing the executors of Joseph P. Mebane to collect certain arrearages of internal taxes," was taken up in Committee of the Whole. The bill was reported to the Senate, and passed to a third reading.

The bill reported by the Committee on Finance, "authorizing the sale of a public warehouse at the former quarantine ground at the English Turn, and providing for the erection of a dwelling-house for the boarding officer at the mouth of the river Mississippi, and for other purposes," was taken up in Committee of the Whole. An amendment, proposed by Mr. Eaton, limiting the expense of erecting the dwelling-house to the amount obtained for the warehouse, was agreed to. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the resolutions providing a place of deposite for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State; and, on motion, they were ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes;" and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act concerning invalid pensions;" and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill in further addition to "An act to establish an uniform rule of naturalization;" and, on motion, it was laid on the table.

Friday, April 16.

A communication was received from the delegation of the Cherokee Nation, at present at the Seat of Government, relative to the late Message of the President to Congress, on the Indian titles to lands in the State of Georgia, and animadverting on the paper presented to the President of the United States, by the Georgia delegation in Congress.

The communication being read, Mr. Elliott said he objected to a contest of this character, in this place, with the Cherokee delegation. He knew them only as other Indians, and to be treated with as such. If they claim to represent an independent nation, why do they address this body directly, and not through the Department of State? But, if they seek to be heard in their real character, they should present their claims to our consideration, through the War Department. The course now attempted, is novel and inadmissible, and he hoped the communication would lie on the table. It was then ordered to lie on the table.

Mr. Ruggles, from the Committee on Claims, to whom was referred the memorial of Alexander McNair, reported a bill for his relief; which was read, and passed to a second reading.

On motion of Mr. Barton, the Committee on Public Lands was discharged from the further consideration of the resolution of the 29th ultimo, directing an inquiry whether further legislation be necessary to enable the several towns and villages in Missouri to establish the boundaries of their commons, and to dispose of them; on the ground that this subject is sufficiently provided for by an amendment to a bill concerning town and village lots and out lots, &c., heretofore reported to the Senate by the committee.

The bill "for the relief of Nimrod Farrow and Richard Harris" had its second reading, and was referred to the Committee on Claims.

Mr. Lloyd, of Massachusetts, gave notice that, on Monday next, he should ask leave to introduce a bill "to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place belonging to the United States."

The Senate resumed, as in Committee of the Whole, the bill for the relief of Colonel William Duane; and it was postponed to Monday next.

The bills from the House of Representatives, "for the relief of Barbara Paulas;" to repeal the act for the relief of John B. Hogan;" "authorizing the executors of Joseph B. Mebane to collect certain arrearages of internal taxes;" were severally read the third time, and passed.

The bill "supplementary to the act providing for the settlement of claims to lands in the State of Missouri;" the bill "for enclosing the burial ground of Christ Church, Washington Parish;" the bill "for the relief of Elijah Van Syckle, of Philadelphia;" the bill "for the relief of Thomas Shields;" and the bill "providing for the sale of the public warehouse at the former quarantine ground near the English Turn, in the State of Louisiana, for the erection of a dwelling-house at the Balize, in the same State, for the boarding officer, and for other purposes;" were severally read the third time, passed, and sent to the other House for concurrence.

ELECTION OF PRESIDENT.

The bill "in addition to the act relative to the election of a President and Vice President of the United States," was again taken up for consideration in Committee of the Whole. Several verbal amendments were made to the bill, on motion of Mr. VAN BUREN. The bill was then reported to the Senate.

Some further amendments were made, in its details, at the suggestion of Messrs, EATON, MILLS, VAN BUREN, and SMITH. Upon fixing the time of delivery of the votes at the Seat of Government, some debate took place between Messrs. MILLS, MACON, VAN BUREN, LOWRIE, WILLIAMS, and KING, of Alabama. The first Wednesday of January was eventually fixed as the time. The several amendments were then agreed to, by the Senate.

Mr. MACON objected to the general principles of the bill, on the ground that it was not necessary; and would, as he thought, have a tendency to create the very difficulties it proposed to remedy—he thought, too, that Congress had no power to legislate on the subject.

Messrs. HOLMES, of Maine, and VAN BUREN, replied to the objections advanced by Mr. MACON,

The bill was then passed to be engrossed and read the third time.

MONDAY, April 19.

Mr. TAYLOR, of Virginia, submitted the following resolution, with a request that it might be forthwith taken into consideration; as it related to a communication from the President of the United States, in relation to a claim of the State of Virginia, and he wished all the documents printed together:

Resolved, That the President of the United States be requested to inform the Senate, whether the Executive, through the agency of the War Department, borrowed any money, during the last year, under the condition of applying the same to the defence of the State wherein the said loans were made, and to what amount; and whether interest was paid by the United States for such loans, or if they sustained any loss by giving stock or Treasury notes for them; including any other information in relation to the subject which he may think proper to communicate.

The resolution was taken into consideration by general consent, and it was agreed to.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend the several acts imposing duties on imports;" in which they request the concurrence of the Senate.

The bill was read, and passed to the second reading.

On motion by Mr. SMITH, the Committee on Finance were discharged from the consideration of the letter of E. Causici, sculptor, on the subject of the allegorical group intended for the Senate chamber; and, also, from the memorial of Thomas Law and others, on the subject of a national currency.

The bill "in addition to the acts relative to the election of President and Vice President of the United States," was read the third time, passed, and sent to the House for concurrence.

On motion of Mr. MACON, the rule by which the Senate determined to adjourn, on each week, from Friday to the next Monday, was rescinded.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred a petition respecting the purchase of an Orrery, for the Military Academy at West Point, submitted a report on that subject, recommending that the committee be discharged from its further consideration, and that it be referred to the Secretary of War. The report was agreed to.

The same committee was also discharged from the further consideration of the petition of Messrs. Willard and Childs, that subject being now under consideration in the other House.

The bill reported by the Committee of Claims "for the relief of Alexander McNair," had its second reading.

The bill "to amend the several acts imposing duties on imports," was received from the House of Representatives, and read. Mr. DICKERSON moved for the second reading of the bill, at the present time. This was objected to by several members; and, consequently, the second reading cannot take place until to-morrow.

Mr. LOWRIE presented the memorial of M. S. Johns, and others, of Pennsylvania, praying that a heavy duty may be imposed on sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON gave notice that, to-morrow, he would ask leave to bring in a bill to amend an act, supplemental to an act, entitled "An act to carry into effect the 9th article of a treaty concluded between the United States and Spain, the 22d day of February, 1819," approved the 3d of March, 1823.

The Senate resumed, as in Committee of the Whole, the bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and Mr. Johnson, of Kentucky, proposed an amendment thereto; which was read, and on motion, the bill was postponed to Wednesday next; and the proposed amendment ordered to be printed.

COLUMBIAN COLLEGE.

Mr. **Barbour** from the Committee on the District of Columbia, to whom was referred the memorial of the Trustees of the Columbian College, made a report, accompanied by a bill for the relief of the Columbian College, in the District of Columbia; which were read, and the bill passed to a second reading. The report was ordered to be printed for the use of the Senate. The report is as follows:

They have given to this subject the consideration which its importance claimed. The object of the memorial is to obtain pecuniary aid, to a small amount, to the Columbian College, in this District, whose prosperity, in an essential degree, depends on the success of the application. The utility of a central literary establishment has been so often presented to Congress, by the long list of illustrious worthies who have filled the Presidential chair, that the committee are relieved from the necessity of adding any remarks of their own on this topic. They content themselves by referring to the following extracts from communications made in a series of years, by successive Presidents, to Congress. President Washington, in his Message of December, 1796, in reference to such an establishment, uses the following remark: "Among the motives to such an institution, the assimilation of the principles, opinions, and manners, of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union."

President Madison, in his Message of December, 1810, on this subject, uses the following language: "Whilst it is universally admitted that a well instructed people alone can be a permanently free people, and whilst it is evident that the means of diffusing and improving useful knowledge form so small a portion of the expenditures for national purposes, I cannot presume it to be unreasonable to invite your attention to the advantages of superadding to the means of education, provided by the several States, a seminary of learning, instituted by the National Legislature, within the limits of their exclusive jurisdiction, the expense of which might be defrayed, or reimbursed out of the vacant grounds which have accrued to the nation within those limits." "Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be re-distributed, in due time, through every part of the community—sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well constituted seminary, in the centre of the nation, is recommended by the consideration, that the additional instruction emanating from it would contribute not less to strengthen the foundations, than to adorn the structure of our free and happy system of Government."

These recommendations, from causes whose enumeration is now unnecessary, if, indeed, it were practicable, failed in their effect. At length a few enterprising and patriotic individuals attempted to achieve, by voluntary donations, that which it had been supposed could be effected only by the power of Congress.

Their efforts were crowned with distinguished success. One individual in particular, (and it is but an act of justice he should be named,) the Rev. Luther Rice, with an unwearied industry and an unyielding perseverance, which prompted him to traverse every part of the Union in pursuit of aid to this beneficent object, contributed principally to that success.

The funds thus acquired were faithfully and judiciously applied to the object. An advantageous site was procured, and suitable buildings erected, for the accommodation of one hundred students. Application was made to Congress for an act of incorporation, which passed February 9, 1821. This, however, was all the aid which Congress dispensed. The accompanying document shows that there have been expended on this institution $80,000—$50,000 only have been procured; and, as a consequence, the institution is embarrassed with a debt to the amount of $30,000. By reference to the same document, it appears that, although the college commenced its operation so late as January, 1822, it has already ninety-three students, under the direction of a faculty highly respectable for its literary attainments.

The embarrassments resulting from the debt present considerable difficulties, and threaten, if not entire ruin, greatly to retard its successful progress.

Under these circumstances, the individuals who have thus generously devoted themselves to the promotion of this establishment, and who have disinterestedly pledged their independence upon the success of the college, present themselves to Congress, with a view to obtain their protection by a small pecuniary grant—Congress being the only legislative body they can address, as they are denied, by their locality, all aid from any particular State.

The committee, in reviewing the peculiar circumstances which characterize the origin of this establishment, its progress, and the great benefits it promises to society, are of opinion that the application is reasonable. It cannot be doubted, had such an establishment grown up, under similar circumstances, in either of the States, it would receive the helping hand of its Legislature. Congress stands in the same relation to this establishment, from its exclusive power of legislation within the District. It may be objected, however, that the right of Congress to appropriate the funds of the nation to a purpose in part local, however national its effects, is questionable. The committee intentionally forbear to discuss this question, as, upon it, a difference of opinion is believed to exist, and as its decision is not necessary to the successful result of the proposed measure.

In the extract from the Message of President Madison, Congress is referred to a fund from which pecuniary aid may be derived, free from all objections—the public property within the District. This property was granted by the original proprietors, on the condition that its avails should be appropriated to the improvement of the city. It appears, by reference to a

report prepared on this subject, that, with sales already effected, and a reasonable estimate on the remainder, the amount of this property is equal to $2,571,016; of this there has been expended on the public buildings $1,214,292, leaving a balance in favor of the District of $1,356,724; from this estimate is excluded the expenses of rebuilding, which cannot, with justice, be charged to this fund, as thereby a national misfortune would be made to fall exclusively on the people of Washington, instead of the nation at large. If from this last sum be deducted what has been expended on the central building, and on all other public improvements in the city, equal to $1,025,916, there would still be a balance in favor of the District of $330,808. In addition to the high authority already alluded to, the committee beg leave to refer to the course uniformly adopted in all the Territories. By reference to the various acts of Congress, it will be seen that a large portion of the public lands has there been set apart for the purposes of education. Without a specification, they content themselves by saying that one-thirty-sixth part of the whole land of the United States has been appropriated to this purpose. The committee, therefore, beg leave to report a bill dispensing aid, to a limited extent, to the Columbian College. They have been induced to grant the debts referred to in the bill for two reasons. The one, that they are within the District; and the other, that the larger debt, from the questionable condition of the debtors, will be difficult to collect. Its collection or arrangement may, nevertheless, be made available to some extent, when transferred to the trustees of the college. The debt from the estate of Mr. Lee is for property sold within the District.

TIME OF ADJOURNMENT.

On motion of Mr. MACON, the resolution proposed by him, some days since, fixing a time for closing the present session of Congress, was taken up for consideration. That resolution specified the 4th of May, as the day of adjournment. The "4th" was, on motion, stricken out; when

Mr. TALBOT moved to fill the blank with the "15th day." Some remarks were made upon this subject, by Messrs. TALBOT, MACON, HOLMES, of Maine, DICKERSON, VAN DYKE, and BROWN.

Mr. DICKERSON moved to postpone the resolution to Monday next.

This motion was decided in the negative—yeas 21, nays 24.

Mr. VAN DYKE moved to fill the blank in the resolution with the "18th" as the day of adjournment. This was not agreed to.

The question then recurred upon Mr. TALBOT's motion, for filling the blank with "the 15th." Mr. EATON spoke in favor of that day, as the great and important subjects before the Senate could not possibly be disposed of before that time.

Messrs. JOHNSON, of Kentucky, SMITH, RUGGLES, TAYLOR, of Virginia, and NOBLE, made some further remarks upon the subject. Mr. RUGGLES moved to lay the resolution on the table—this motion was decided in the negative, yeas 22, nays 24.

The question then recurred on filling the blank with the "15th."

Messrs. KING, of Alabama, and H. JOHNSON, of Louisiana, spoke in favor of an early day of adjournment.

Mr. DICKERSON said, he should consider the determination of the Senate to fix an early day for adjournment, as tantamount to the rejection of the important bill (the Tariff bill) which has just come from the other House.

The Senate then decided in favor of filling the blank with the 15th—yeas 25, nays 21. So the resolution fixes the 15th day of May, for adjournment of Congress—it was then passed to be engrossed and read the third time.

TUESDAY, April 20.

Mr. MILLS presented the petition of Henry Huttleston, praying indemnity for depredations committed on his property by France, in the years 1807 and 1808; which was read, and referred to the Committee on Foreign Relations.

Mr. RUGGLES presented the petition of Alexander Scott, late collector of customs for the port of Pensacola, in the Territory of Florida, praying to be allowed, in the settlement of his accounts, the same compensation that is allowed to other collectors in that Territory; which was read, and referred to the Committee on Finance.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of John H. Howland, made a report, accompanied by a bill for the relief of John H. Howland. The report and bill were read, and the bill passed to the second reading.

In pursuance of notice given on Friday last, Mr. LLOYD, of Massachusetts, asked leave to introduce a bill "to provide for the punishment of crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place belonging to the United States." Mr. L. said that, in introducing this bill, it was only necessary now to remark that, such was the peculiar nature of our laws, a man might commit murder within an arsenal or fort, or other place under the immediate jurisdiction of the United States; and unless he was reached by the bullet or the bayonet of the soldier, he could not be touched. There was no law by which he could be called to answer for the crime. Leave to introduce the bill was accordingly granted. The bill was twice read, and referred to the Committee on the Judiciary.

Mr. HAYNE submitted the following motion for consideration:

***Resolved*, That the Secretary of War be directed to report to the Senate the number of arms furnished by the State of South Carolina to the United States during the late war, and which have been substantiated at the proper department; and, also, whether any arrangements have been made for the settlement of the demand, and what legal provisions may be necessary to carry the same into effect.**

Mr. VAN DYKE laid on the table a communication from the President of the Chesapeake and Delaware Canal Company, soliciting the patronage of Government by a subscription to their stock.

Referred to the select Committee on Roads and Canals.

The joint resolution, fixing the 15th day of May next, for the adjournment of the present session of Congress, was read the third time. Mr. Noble moved that it be ordered to lie on the table. This motion was not agreed to. The resolution was then passed, and sent to the other House for concurrence.

In pursuance of notice given yesterday, Mr. Eaton asked leave to introduce a bill "to amend the act supplementary to an act, entitled 'An act to carry into effect the ninth article of the Treaty with Spain." Leave was accordingly granted—the bill was twice read, and referred to the Committee on Claims.

On motion of Mr. Lloyd, of Maryland, the Senate, as in Committee of the Whole, proceeded to consider the bill "supplementary to an act, entitled An act to incorporate the Columbia Turnpike Company, into the District of Columbia." Mr. King, of Alabama, was called to the Chair. This bill gives the company the power to raise its tolls. Some remarks were made upon it, by Messrs. Chandler, and Lloyd of Maryland. It was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on the Militia, "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, and providing for the discipline thereof," was taken up for consideration; and, on motion of Mr. Knight, the bill was ordered to lie on the table.

The bill from the House of Representatives "to provide for the necessary surveys for roads and canals," was taken up for consideration, in Committee of the Whole. The question was, upon adopting an amendment heretofore proposed by Mr. Benton. Mr. B. not being present, the bill, upon motion of Mr. Eaton, was ordered to lie on the table.

The bill reported by the Committee on Military Affairs, "for the relief of Colonel William Duane," was next taken up in Committee of the Whole.

Mr. Johnson, of Kentucky explained the grounds upon which the committee reported this bill. It proposes to pay Colonel Duane the difference between the selling price of one thousand copies of his Cavalry System of Discipline, which the Government contracted to purchase of him, and the price at which they were sold at auction. It further provides for the repayment of five hundred dollars, advanced by Colonel Duane, for the Government.

Some discussion took place, in which Messrs. Chandler, Smith, Jackson, Findlay, Johnson of Kentucky, and Lanman, engaged. A motion, by Mr. Findlay, to lay the bill on the table, was lost. Mr. Chandler moved to amend the bill, by striking out so much as proposes to pay for the "System of Cavalry Discipline." Mr. Lowrie opposed the amendment—it was lost. The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

On motion of Mr. Noble, the Senate then took up, in Committee of the Whole, the bill from the House of Representatives, "concerning invalid pensioners." The bill provides for the payment of pensions to thirteen different persons. The Committee on Pensions, of the Senate, to whom the bill was referred, propose to amend it, by striking out the provision for seven of these persons. Mr. Noble explained the reasons for this amendment. It was then agreed to. The bill was reported to the Senate, and passed to be engrossed and read a third time.

On motion of Mr. H. Johnson, of Louisiana, the petition of Ann Dubourg, presented at the last session, was again referred to the Committee on the Judiciary.

The report of the Committee on Naval Affairs, unfavorable to the petition of Thomas Johnson, was again read for consideration. This petitioner, formerly a purser in the Navy of the United States, prays for the appropriation of the proceeds of certain prizes taken by the United States squadron in the Mediterranean, in the year 1805. The report of the committee was concurred in.

DUTY ON IMPORTS.

The bill from the other House, "to amend the several acts for imposing duties on imports," was taken up for a second reading. Mr. Branch, after a few remarks, expressing his opinion that the present was a proper time to try whether or not the Senate was willing to take this bill into consideration at all, moved that it should be indefinitely postponed. This motion gave rise to some cursory remarks upon the point of order. The Chair decided that, as the Senate had already passed the bill to a second reading, the motion of the honorable member from North Carolina was not in order until that reading had taken place. The bill was then read.

Mr. Lloyd, of Maryland, said that he wished very much to ascertain what would be the effect of this measure, upon the revenue of the country; the importance of the subject was so evident, that it needed no comment from him; he thought it would have a powerful effect upon the finances of the country; and with a view to ascertain what the extent of that effect would be, he moved the reference of the bill to the Committee on Finance. This motion gave rise to a considerable discussion, as to the propriety of this reference. By the opponents of the motion, it was contended that the subject properly belonged to the Committee on Commerce and Manufactures. Messrs. Lloyd of Maryland, Mills, Taylor of Virginia, and Smith, supported the motion; and Messrs. Dickerson, Johnson of Kentucky, Noble, and Chandler, opposed it. Mr. Lloyd, of Massachusetts, made some remarks upon the subject. The question was then taken, and decided against the reference to the Committee on Finance, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

NAYS — Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

On motion of Mr. DICKERSON, the bill was then referred to the Committee on Commerce and Manufactures.

Mr. MILLS then moved that the Committee on Finance be associated with the Committee on Commerce and Manufactures, for the consideration of the bill "to amend the several acts for imposing duties on imports;" and that the members of both those committees be considered as one committee, for that purpose. This motion lies over for consideration.

Mr. LLOYD, of Massachusetts, after commenting forcibly upon the momentous importance of this bill, than which none more important had been presented to the Senate, since the adoption of the Constitution, moved that two members, to be chosen by ballot, should be added to the Committee on Manufactures, for the consideration of the tariff bill.

The CHAIR stated that the motion, as it involved the alteration of the rule of the Senate, by which it is provided that the committee shall consist of five members, could not be put, by general consent. It was objected to, and was not put to the Senate.

CLAIMS AGAINST THE UNITED STATES.

The bill reported by the Judiciary Committee, "to provide for the settlement of certain pecuniary claims against the United States," was then taken up for consideration in Committee of the Whole, The bill was reported to the Senate. Mr. TAYLOR, of Virginia, spoke in favor of the bill; Mr. VAN BUREN moved its indefinite postponement, and made a few remarks in favor of that motion. Mr. LANMAN, also, advocated the postponement; and Mr. BARBOUR opposed it. The question was then put, and decided in the negative—yeas 16, nays 19, as follows:

YEAS—Messrs. Bell, Chandler, Clayton, D'Wolf, Edwards, Findlay, Gaillard, King of Alabama, Knight, Lanman, Lowrie, Ruggles, Seymour, Thomas, Van Buren, and Williams.

NAYS—Messrs. Barbour, Barton, Brown, Hayne, Holmes of Maine, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Palmer, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

The amendment made in Committee of the Whole, limiting the amount of any claim to be brought within the provisions of this bill to three thousand dollars, was objected to by Mr. H. JOHNSON, of Louisiana. The amendments, however, were all agreed to. Mr. LOWRIE advanced some objections to the bill; to which Mr. TAYLOR, of Virginia, replied.

Mr. BARBOUR moved to amend the bill, by inserting a provision, that no claim of more than —— years' standing shall be entitled to the benefits of this act, nor any claim which has been rejected by either House of Congress. On motion of Mr. JACKSON, the blank was filled with "twelve." The amendment was adopted.

Mr. HAYNE moved a new section, to give the Congress the power of revising any judgment or decree rendered under this act. The amendment was agreed to.

The question was then taken, on ordering the bill to be engrossed, and read the third time, and decided in the affirmative—yeas 20, nays 19, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Brown, Hayne, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

NAYS—Messrs. Bell, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Gaillard, King of New York, Knight, Lanman, Lowrie, Palmer, Parrott, Ruggles, Seymour, Thomas, Van Buren, and Williams.

The Senate resumed, as in Committee of the Whole, the bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States," together with the motion to recommit the same, with instructions; and, on motion, the bill was postponed until to-morrow.

And the Senate adjourned.

WEDNESDAY, April 21.

The PRESIDENT communicated a letter from the President of the Washington Canal Company, with a statement of the receipts and expenditures of the company for the last year; which was read.

Mr. EDWARDS presented the memorial of the Chamber of Commerce of New Haven, in Connecticut, remonstrating against the passage of an act imposing additional duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

On motion, by Mr. LLOYD, of Maryland, the Committee on the District of Columbia were discharged from the consideration of the memorial of the judges of the orphans' court in the District of Columbia; and, also, from the consideration of the memorial and counter-memorial of the inhabitants of the county of Alexandria, on the subject of retrocession of that part of the District of Columbia.

Mr. BELL, from the Committee of Claims, to whom was recommitted the memorial of Rezin Rawlings and John Locke, executors of Daniel Rawlings, made a further report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted.

The bill for the relief of the Columbian College, in the District of Columbia; and the bill for the relief of John H. Howland, of New York, were severally read the second time.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a committee to join such committee as the Senate may appoint, to consider and report what business ought to be acted upon at the present session; and, also, at what time the session may be closed by the adjournment of the two Houses; in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last brought up for concurrence, and concurred therein, and Messrs. JACKSON, JOHNSON of Kentucky, and KELLY, were appointed the committee on the part of the Senate.

The resolution submitted yesterday by Mr. HAYNE, directing the Secretary of War "to report to the Senate the number of arms furnished 'by the State of South Carolina to the United 'States during the late war, and which have 'been *substantiated* at the proper department; and, 'also, whether any arrangements have been made 'for the settlement of the demand of the State for 'such arms, and what legal provisions may be 'necessary to carry the same into effect," was again read for consideration. Mr. H. briefly explained the objects of the resolution, and it was then agreed to.

The bill from the House of Representatives "concerning invalid pensions," was read the third time, as amended; the bill was then passed, and sent to the other House for concurrence in the amendment.

On motion of Mr. KING, of Alabama, the bill reported by the Committee on Public Lands, "explanatory of an act confirming claims to lots in the town of Mobile," was taken up for consideration, in Committee of the Whole, Mr. BARBOUR in the Chair. Mr. KING, of Alabama, moved to amend the bill, by adding a proviso, "that no such claim shall be confirmed, if the quantity of land exceeds one acre." This amendment was agreed to. The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

DUTIES ON IMPORTS.

The resolution submitted yesterday by Mr. MILLS, proposing "that the Committee on Finance should be associated with the Committee on Commerce and Manufactures, for the consideration of the bill "to amend the several acts for imposing duties on imports," and that the members of the two committees be considered as one committee for that purpose," was then read for consideration. Mr. MILLS made a few remarks in support of his motion. Messrs. BARBOUR, SMITH, and LLOYD of Massachusetts, also spoke in favor of it; and Messrs. DICKERSON, NOBLE, and LOWRIE, opposed it.

Mr. HOLMES, of Maine, moved to amend the resolution, by striking out all but the word "Resolved," and inserting the following, "that the Committee on Finance be directed to inquire what effect the bill from the other House, 'to amend the several acts for imposing duties on imports,' will have on the revenue of the country."

Messrs. KING of Alabama, JOHNSON of Kentucky, and ELLIOTT, opposed both the resolution and the amendment. The question was then taken on the amendment, and decided in the negative; and Mr. MILLS then withdrew his resolution.

COLONEL DUANE.

The bill for the relief of Colonel William Duane was read the third time. On the question, Shall this bill pass? it was determined in the affirmative—yeas 27, nays 8, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Knight, Lowrie, McIlvaine, Mills, Ruggles, Smith, Talbot, Taylor of Indiana, Van Buren, and Williams.

NAYS—Messrs. Chandler, Clayton, Holmes of Maine, King of Alabama, Macon, Taylor of Virginia, Van Dyke, and Ware.

So it was resolved, that this bill pass, and that the title thereof be "An act for the relief of Colonel William Duane."

SURVEYS FOR ROADS AND CANALS.

The bill from the House of Representatives, "to provide for making surveys for roads and canals," was then taken up for consideration, in Committee of the Whole. The question was upon an entire new bill, offered as an amendment, by Mr. BENTON.

Mr. BENTON rose and said, he would compare the provisions of the bill from the House of Representatives, with the provisions of the amendment which he had submitted, and he would state the reasons which induced him to prefer the amendment to the bill.

The bill is general. It places $30,000 in the hands of the President, and leaves him at liberty to select such routes for roads and canals as he shall think proper. It contains no details, neither as to the construction of the roads, nor as to the depth and width of the canals. It contains no limitation upon the number of persons to be employed in the survey, nor upon the wages to be allowed them. It asks no consent from the States to the execution of the works proposed to be undertaken within their limits.

The amendment is specific. It places the same thirty thousand dollars in the hands of the President, but specifies the routes to which he shall apply it. It defines the extent and capacity of the intended works. It limits the number of surveyors to be employed, and fixes their compensation. It asks the consent of the States to the execution of the works.

On this proposition to amend, Mr. B. did not consider the field to be open for debate on the constitutionality or general expediency of internal improvements. He considered the debateable ground to lie between the bill and the amendment.

Their comparative merits was the object of inquiry. He would limit himself to it, and endeavor to show,

1st. That it is better to adopt the specific than the general provisions.

2d. That the routes specified are national.

3d. That we have the funds to execute them.

On the first point.—The adoption of the bill, with the general provisions, would subject the President to a labor which ought not to be thrown upon him. He is an Executive officer, created for great national purposes, and his duties are defined in the Constitution. I do not deny but that the Congress may add to them, but it ought never to be done, except in a case of clear necessity, and here is no necessity at all. It is a deception practised upon itself, for the Congress to suppose that the talent and character of the President is to be embarked in those legislative duties annually assigned to him. He has enough to do under the Constitution. He cannot quit the great concerns of the nation to superintend these subaltern affairs. They are devolved upon some subordinate officer, we know not whom, and the errors and mistakes of the unknown deputy, are sanctified by the adoption of his august superior.

It is wrong to throw upon the President the responsibility of making these selections. They interest the local feelings of every part of the Union, and every section will claim its road or canal. If disappointed, it will be discontented, and nine-tenths of the applicants must be disappointed. No human being can decide upon their jarring pretensions, and give a general satisfaction. We cannot do it ourselves, though drawn from every part of the Union. The moment we begin to touch the internal improvement fund, we take the attitude of legatees, dividing the estate of an ancestor. Each goes for himself. How stands the question at this moment in the Senate? We have one proposition to divide the fund according to the population of the States; another to divide according to the rule of laying direct taxes; a third to divide according to the superficial content of the States; and each State goes for that by which it would gain most. The amendment which I have submitted adopts a rule of division different from all these: it proposes to apply the fund nationally, to make roads and canals where the national interest requires them, without regard to population, direct taxes, or the size of the States. The Congress can agree upon neither, and it throws the responsibility of division upon the President. What will be the result? Why, the President will order some routes to be surveyed, and when the surveys are brought in, and an appropriation is demanded, all the disappointed may stand together, attack his selection, and defeat it.

It was wrong to give to the President a legislative duty to perform. The selection of these routes is a legislative function. It involves appropriations and local interests, and may give great advantages to one part of the Union over another. Seventeen years ago, it was said by one of our most eminent statesmen, that, "the National Legislature alone, embracing every local interest, and superior to every local consideration, is competent to the selection of such national objects." (*Gallatin on Roads and Canals.*)

It is wrong to give to the Executive the vast increase of patronage which the general provisions of this bill will confer upon him. It was said in England, thirty years ago, that the power of the Crown had increased, was increasing, and ought to be diminished. The same may be said of the patronage of the American Executive; and shall we, instead of diminishing, add to it, some twenty or thirty millions more? Shall we refuse to sit here and vote upon these routes, in our characters of Senators, and then rush to the President, and, in the supplicant posture of petitioners, humbly sue to him for a division of the spoil?

The adoption of the amendment will prevent all these evils, will save the President from a labor to which he ought not to be subjected—from a responsibility to which he ought not to be exposed—from a legislative duty which does not belong to him—from an increase of patronage which may bring the members of the National Legislature, in crowds, to his feet.

The amendment asks for the consent of the States. The request does not turn upon the notion that the act of one State can give a power to Congress which it has not derived from the Constitution. It turns upon the question of trespass upon the soil and jurisdiction of a sovereign State. The right of Congress to appropriate the money, is generally admitted. The great objection is to the right of the Federal Government to enter the limits of a sovereign State, and dig up its soil, cut down its trees, and trample upon its grass. This involves the idea of trespass upon the soil and jurisdiction of the State; and that presents a question limited to the two parties concerned. If the State is sovereign, she can consent to the entry, and waive the supposed trespass; if she is not, there can be no violation of sovereignty in entering without it. Granting the right of Congress to be clearly inferrible from the Constitution, I would still prefer to make these improvements with the consent of the States. It would be respectful towards them to ask their consent. It would conform to the opinion of some distinguished statesmen.* It would follow the principle of the act under which the Cumberland road was opened; an act which had the approbation of Mr. Jefferson, and which procured the assent of Virginia, Maryland, and Pennsylvania, to the construction of that great road within their respective limits. It cannot be presumed that a State would refuse its consent in any case in which it would be beneficial to itself to grant it, or that the Congress would wish to open a road or a canal contrary to the will and the interest of the State through which it would pass. The request will not compromise any existing right. I can see no possible evil; on the contrary, great advantages from making the request.

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* "It is evident that the United States cannot, under the Constitution, open any road or canal, without the consent of the State through which it passes." (*Gallatin on Roads and Canals.*)

The routes specified in the amendment are national. They are—

For Canals.

1. A route to connect the inland tide waters, along the Atlantic coast, from Maine to Florida.
2. A route to connect the Ohio and Potomac rivers.
3. A route to connect the Ohio and Lake Erie.
4. A route to connect the Illinois and Lake Michigan.
5. A route to connect the Tennessee river with the waters of the Mobile bay.
6. A route to connect the inland tide waters along the Gulf coast, from the Mississippi to the Atlantic Ocean.

For Roads.

1. From Washington City, south, to Florida.
2. From Washington City, north, to Maine.
3. From Washington City, southwest, through Virginia and Tennessee.
4. From Washington City, northwest, in completion of the Cumberland road, to Misssouri.
5. From New Orleans to Columbus, in Ohio.

These objects announce themselves as national. They follow the course of travelling, of trade, of the mails, of the march of troops, and they unite the grand geographical divisions of the country. 1. The canal along the Atlantic coast was projected by Mr. Gallatin, in the year 1807. The inland tide waters, in front of that extended coast, are only separated by some half a dozen necks of land, making in the whole one hundred miles. Canals of eight feet depth, opened across these necks, would give an inland navigation of one thousand six hundred miles, secure from storms and enemies. Steamboats of the largest size, and all the common sea vessels, could float upon it. The communication between all the Atlantic seaports would be safe, regular, and rapid, as well in bad as in good weather, in war as in peace. 2. The project of a canal between the Ohio and Potomac has too recently occupied the public attention to need a word of commendation from me. 3. The junction of the Ohio and Lake Erie was a favorite object with General Washington, and now engages the anxious deliberations of the States interested in it. Nature seems to have intended these waters for communion. In various places, in the States of Ohio and Indiana, they approach and almost embrace each other. The Wabash, Sciota, and Muskingum approximate to the opposite streams of the lake, and call upon man to join them together. 3. Between the Illinois and Lake Michigan the effort of nature has been greater, the work of man will be less, and the result more grand and universal. The Pass at Chicago is the Dardanelles of North America. A cut of a few miles would unite the inland seas of the North, the Lakes Superior, Huron, Erie, and Michigan, with the fifty thousand miles of river navigation which traverse the valley of the Mississippi. 5. The junction of the Tennessee with the waters of the Mobile would unite two large divisions of the country, and give facilities to the commerce of four different States. With all these objects, the public mind had been long familiar, and eulogies upon their advantages would be labor misplaced, in the American Senate. The route along the Gulf is the only one which presents itself in the shape of a new project, and some details upon its practicability and advantages ought to be given. Mr. BENTON would give them, partly from his own observation, but chiefly from a fund of accurate information received from the intelligent delegate from Florida, General CALL.

The direction of this route would be East and West; its point of commencement, in the Iberville river, on the Mississippi; its termination in the St. John's river, on the Atlantic coast; the Iberville is an arm of the Mississippi; breaking out from the main river about one hundred miles above New Orleans, and discharging itself into Lakes Maurepas and Pontchartrain. At nine miles from the Mississippi it meets the tide! The St. John's is a noble river of East Florida, twelve feet deep on the bar at its mouth, and navigable for ships two hundred miles.

The route divides itself into four stages:

1. From the Mississippi to Mobile bay, three hundred and sixty miles.
2. From Mobile bay to Pensacola, forty miles.
3. From Pensacola to the bay of St. Mark's, two hundred and fifty miles.
4. From St. Mark's to the tide in St. John's river, two hundred miles.

The first stage lies through the Iberville, the Lakes Maurepas, Pontchartrain, and Borgne, and behind the range of islands which lie in front of the coast. The work to be done upon this part of the route is next to nothing. Some rafts only, which obstruct the channel of the Iberville, are to be removed.

The second stage, from Mobile bay to Pensacola. The route lies through the river Bonne Secourre, over land, five miles, to an arm of the Perdido bay, and from the Perdido, over land, one mile, to the grand lagoon which communicates with the bay of Pensacola. The work to be done upon this stage is to open two canals, one of five miles, the other of one mile, in length.

The third stage, from Pensacola to St. Mark's. The route follows the coast, behind the island Santa Rosa, to the bay of Choctawhatchy, thence up a large bayou into the bay of St. Andrew's, thence five miles, over land, to Lake Wimeco, which communicates with the bay of St. Mark's. The only work to be done is to open a canal of five miles, between the bay of St. Andrew's and the Lake Wimeco.

The fourth stage, between the Bay of St. Mark's and the tide-water of St. John's river. The route is along the coast sixty miles, to the mouth of Suwaney river, up to its eastern point of navigation, and over land, twenty miles, to the river St. John's. The work to be done, to open a canal twenty miles, between the Suwaney and St. John's, through a level country and a light soil, reposing upon a clay foundation. It is worthy of remark, that, between the Suwaney and the Atlantic ocean, there are two means of communication, both equally short and easy—by the St. John's and St. Mary's. In favor of the latter route, a memorial now lies upon the table of the Senate, from the citizens of the southern parts of Georgia, praying a canal to be opened, and stating the distance at twenty-five miles.

Mr. B. called the attention of the Senate to the inconsiderable work required to be done, and the great effect to be produced in opening the route which he had traced. The removal of some rafts of timber in the Iberville, would open a communication between the Mississippi and the Mobile bay; two canals of six miles would unite the bays of Mobile, Perdido, and Pensacola; a canal of five miles would unite the bays of Pensacola, St. Andrew's, and St. Mark's; and a canal of twenty miles would cut through the peninsula of Florida, and unite the Gulf of Mexico with the Atlantic ocean. He dwelt upon the advantages of completing this communication, which nature had indicated, between the Mississippi and the Atlantic. It would diminish the distance two thousand miles. It would be safe from pirates and storms, from the fleets of enemies, and from the power which may hold the Havana. It would enable the produce of the valley of the Mississippi to distribute itself along the Gulf coast and to penetrate the interior of all the Southern States.

The same barge or steamboat which had issued from the Ohio, the Upper Mississippi, or Missouri, instead of being confined to the single market at New Orleans, would have that market and a hundred others open to it. The Iberville would carry the trader to New Orleans, by the lake Pontchartrain, or enable him to penetrate the interior of the State of Mississippi, by turning up the Amite, the Pearl, and the Pascagoula rivers. He might go to Mobile, and thence into the heart of the State of Alabama, by the Tombigbee and Alabama rivers, or to Pensacola and St. Mark's, and enter Georgia upon the west, through the Appalachicola and Flint rivers; or, continuing his course across the peninsula of Florida, he might turn up the Atlantic coast, touch at Savannah and Charleston, and reach the interior of Georgia and South Carolina by the several rivers which flow from them. The advantages of such multiplied markets would be reciprocally beneficial. The valley of the Mississippi is agricultural; the Southern States are planting. The surplus flour, beef, pork, and whiskey, which lies at New Orleans, almost without price and without demand, would find markets at Mobile, Pensacola, St. Mark's, St. Augustine, Charleston, Savannah, and at the innumerable towns and cotton plantations which cover the banks of the rivers in the States of Mississippi, Alabama, Georgia, and South Carolina, and the Territory of Florida.

The advantage of an inland communication between the Mississippi and Atlantic, did not escape the observation of Mr. Gallatin, in his great plan for roads and canals in the year 1807. At that time, the Floridas did not belong to the United States.

The route along the coast could not be contemplated. Mr. Gallatin could only look to the country above the 31st degree of north latitude, and in that region he indicated a canal to be opened, five hundred and fifty miles in length, at the expense of thirty millions of dollars, and ten years of labor. Great as would be the labor and expense of such an undertaking, Mr. Gallatin was of opinion that the commercial, and other advantages, of discharging the Mississippi into the Atlantic ocean, through the intermediate territory and State of Georgia, would be worth it all. (Page 41 of his report.) But now, by the acquisition of the Floridas, a new route presents itself, requiring but thirty-one miles of canals to complete it! the work of one Summer! and the expenditure of less than one quarter of a million!

Upon the subject of the roads, which his amendment specified, Mr. B. would be brief. Their number and direction had been stated. Issuing from the doors of the Capitol, four of them would proceed to the four grand divisions of the Republic. The fifth, traversing the valley of the Mississippi, from north to south, would pass through the centre of the intermediate States, intersecting the great southwest road in Tennessee, and the great northwest road in the State of Ohio. Each of them combines the characteristics of national highways. They followed the direction of travelling, whether for business or pleasure—the direction of the great mails, and the lines upon which troops would be marched for the defence of the country.

3. Have we the money to execute this great system of internal improvement?

Mr. B. thought that the funds were forthcoming. It would have been idle to put the Senate upon an inquiry into the propriety of adopting this great system, if, in the event of its adoption, we should have no money to carry it into effect. He had considered that part of the subject before he had submitted any plan, and he saw, or thought he saw, two distinct sources from which the funds would be derived. First, from the lapse of different appropriations now applicable to objects which would soon cease to require them. Under this head came the sums appropriated for paying Revolutionary pensioners, for completing the fortifications, and finishing the public buildings. The pension list now required $1,290,000, the fortifications $600,000, the public buildings $100,000. The pension fund had diminished more than one-half in the last three years, and must entirely cease in a very short time, from the deaths of the pensioners. The expenditure for fortifications and public buildings must cease in a few years, from the completion of the works. From the lapse of these three items of annual appropriations, the sum of two millions of dollars will soon be disengaged from their present objects, and applicable to such new purposes as the Congress may determine. The second source from which the necessary funds may be derived is, from the increased revenue from the customs. It is the theory of economists, that consumption and population increase together. In the United States this theory has been more than realized. In 1790 our population was four millions, our revenues from customs four and a half; in 1823 the population is eleven millions, the duties from customs seventeen; the revenue is quadrupled, the population not quite trebled. The present revenue is more than enough for the current expenses of the year; the annual increase must therefore be a surplus, applicable to new objects of expenditure. This, without the benefit of the new tariff; but, under the operation of the increased duties, it is admitted on all hands that the revenue must be increased upwards of two millions per annum.

Here, then, are ample funds for carrying on the great works indicated in the amendment. Admit that they shall require twenty-five or thirty millions, yet they are not to be completed in a year, and the amount will not be required at once. An annual appropriation of two or three millions, distributed in due proportions among the different works, would complete them all in some ten or fifteen years. We should then have all the grand divisions of the Republic united and bound together by great leading roads and canals, made at the national expense. The State governments might complete the system, by executing smaller works at their own expense. When completed, the whole would redound to the benefit of all parts of the country, and of every individual of the community. Roads and canals are objects of universal use and convenience. They belong to that class of benefits which it is the noblest ambition of the statesman to bestow upon his country. The most eminent conquerors have deemed their glory incomplete, unless crowned with the merit of these beneficent works. The great Napoleon, when giving the law to Europe, was also engaged in digging canals and opening roads through the interior of France. Cæsar, when triumphant over all enemies, gave orders to drain the Pontine marshes, to cut through the isthmus of Corinth, to dig harbors on the coasts of Italy, and to open roads across the Appenine mountains.

Our great WASHINGTON, in all the situations of his life, when a young man in the Colonial Legislature, when President, when again retired to private station, was a constant advocate for internal improvements. To us, who are mere legislators, whose peculiar duty it is to apply the public money, I can see no higher object of ambition than that of applying it in a way so universally advantageous to the whole body of the people.

When Mr. B. had concluded—

Mr. BROWN, of Ohio, addressed the Senate, in opposition to the proposed amendment, and in favor of the original bill.

Mr. HOLMES, of Maine, addressed the Chair as follows:

Mr. President: I am opposed both to the bill and the amendment. The first describes the character of the roads, but keeps out of view their designation and extent; the other designates the roads and canals contemplated, but is careful not to define their character, nor to indicate the source from whence the power is derived. Still, I admire the frankness of the mover of the amendment. He shows you at once the extent of his plan; a plan as magnanimous as it is magnificent, and as extravagant, as impracticable. Still, I should have been better pleased, if the advocates of internal improvement would have selected the part of the Constitution that gives them the power. This, they have carefully and prudently avoided. Prudently indeed, for should any one source be selected, my life for it, not one-fourth of either House would concur. Yet this subject presents this singular inconsistency: that a power which must be derived from some one grant in the Constitution, can unite but a small minority as to the source from whence it is derived, but yet, will I fear, unite a majority in favor of its existence.

One tells us, that it is to be found in the grant to "regulate commerce;" another, from the consent of the States; a third, from the right to "erect needful buildings;" a fourth, from the military power; a fifth, from "common defence, and general welfare;" others, from other sources; and some, from all combined.

Now, sir, these differences as to the source of the power, might well induce a doubt of its existence.

Implied, or incidental powers, were once fashionable doctrines. It was insisted, that they were necessary, and that, without them, those granted could not be executed. The position has been too willingly yielded, and, once yielded, these powers may be claimed to an unlimited extent. Now, sir, I deny that any of these are necessary to the execution of any of the defined and enumerated powers in the Constitution. There are, to be sure, subordinate, suppletory, or auxiliary powers—Congress may pass all laws "necessary and proper" to carry into effect those defined and prescribed in the Constitution. But, these are expressly granted; and this clause in the Constitution, applies to every grant. Congress has power "to lay and collect taxes," &c., and "to pass all laws necessary and proper" for this purpose. Take the most naked grant in the Constitution, and, with this auxiliary power, you can do all you ought, without the aid of implication, Constitution, or incident.

Full well I know, that this is not the doctrine of the day. Power never retrogrades—it is always progressive. In 1800, these doctrines of constructive, implied, incidental, or resulting powers were spreading, and advancing to a consummation, by some devoutly wished, when they were checked by a political revolution. Ever since, they have been progressive, even among the disciples of the Democratic school, until at this time principles are urged and powers claimed, which even Mr. Hamilton never pretended, but denied, could be derived from the Constitution.

In 1810, I think, there was an attempt to renew the charter of the old bank. A bill was reported, and ably defended, by a distinguished Senator from Georgia, who was, I believe, the chairman of the committee. It was opposed by a distinguished member from Virginia, in an ingenious and eloquent, but very singular and extraordinary speech. A member from Kentucky, who now stands pre-eminent as the advocate of broad and liberal constructions of the Constitution, then combatted, with great ability, severity, and sarcasm, these dangerous, unconstitutional principles. This eminent statesman opposed the construction which gave you a bank, but admits that for roads and canals.

Another, a citizen of Virginia too, who has since been exalted to the head of the nation, at last, yielded to the progress of opinion—admitted the constitutionality of the bank, but would not sign a bill which provided an unconstitutional *bonus*, for "roads and canals."

The power for both, if it exists, must be derived from the same source; and yet, here are two eminent statesmen, one admitting that you have the power to establish a bank, but denying you that for roads and canals; the other denying the former, but admitting the latter. It is possible, however, that by this time, these gentlemen have both found some nook or corner in the Constitution whence they can derive the power to do both.

Were these gentlemen here, who formed the Constitution, I might with confidence appeal to them, if it had been believed that it contained the power claimed by this bill, whether it could possibly have been adopted? No, sir, the truth is, this doctrine carries us much further than we ever went before; and one class of politicians, I mean the Federalists, have a right to hold their heads high. When one nation or people conquer another, and settle down in their country, it not unfrequently happens, that the conquerors adopt the laws, manners, customs, and creed of the vanquished—especially if the latter have the most intelligence and civilization. I trust this was not the case in the victory of 1800; but it some way or other happens, that we have not only adopted the strongest Federal maxims, but have gone much further. And if we establish the principle proposed in this bill, that party may congratulate themselves, that, though their power has been lost, their principles have in this instance triumphed.

But I conjure gentlemen to reflect, that, when the act is passed, and in the hands of the judiciary, it will be then beyond our reach. The Supreme Court will not inquire of us whence we derived the power, nor what is its character. Indeed, as so few who claim it can agree whence they derive it, such an inquiry would be utterly fruitless. They will take the law and the Constitution, and, if they in their wisdom see fit, they will tell you that the right in Congress to construct roads and canals is derived from the power "to regulate commerce;" that the original power is exclusive, and so is the derivative: that, therefore, the consent of a State is unnecessary, and consequently the resistance of a State could have no effect. If they should so determine, it will result, that roads and canals might be cut and carried any where through a State, against its interests, and in defiance of its authority.

In such an event I ask, where is your remedy? The law is passed, the canals and roads are made, the property is vested, the die is cast. My friends from the West are aware that such has been the effect in regard to the United States Bank. Congress has power, say the court, to regulate commerce, and to collect a revenue. These powers are exclusive. To facilitate their fiscal concerns, it is "necessary and proper" to appoint persons to receive, and places to deposite, their money. These receivers or bankers may be authorized not only to manage the money of the Government, but their own. Wherefore, Congress can establish a bank, with a capital of thirty-five millions; extend its branches into every State of the Union, and protect it in the exercise of its functions, in spite of State authority. Would not the same process of reasoning authorize them to do the same in regard to roads and canals? My life for it, pass the law, admit the power, and your judicial courts would not, in enforcing it, be limited by considerations of the consent or refusal of a State. They would, as many in Congress now do, seize hold on the power to regulate commerce, tell you that it is an exclusive power, and that their complaints and remonstrances will be vain, let the injury be what it may.

Where, then, I repeat, is your remedy? Will you repeal the law? As in the case of the bank, the power will have been exercised, the right vested, and the sovereignty of a State infringed. Do you hope relief from the House of Representatives? They are the national branch of the Legislature, and are becoming every day more national. Do you hope any thing from the Executive? A President grasps at power, as he continues in office. Mr. Monroe, at the commencement of his Administration, anticipating that this subject would be attempted in Congress, rather prematurely, as was thought, forestalled them, and gave them to understand that, if they passed a bill, he should be compelled to arrest it by his negative. He has since, it seems, abandoned all his scruples, and very lately admitted the power to exist. Are you to look for redress for an encroachment on State rights to the judicial tribunals? The nature of man, as well as past experience, assure us that here you would forever be disappointed. Who, then, are the legitimate guardians of the States? This Senate. To this end were we constituted; to this purpose it is our duty to act.

In discussing this bill and the amendment, I shall present two questions to the consideration of the Senate. Is it clear, that, by the Constitution, you have the power to pass the bill? And if so, is it prudent at this time to exercise it? I am aware, sir, that the bill only proposes a survey—and this surely, cannot be unconstitutional. But is it intended to stop here? You will send your corps of engineers into the States, to designate for them such roads and canals as they may make. If the States are to make these roads and canals at last, they will not thank you for designating them; this they would do much better than you. No, sir, however disguised the bill may be, this is the entering wedge; the commencement of a grand scheme of internal improvement. And I call upon the advocates of this measure to point out to me the part of the Constitution which gives you this authority. Is it in that "to regulate commerce?" But to this there is a restriction, that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Now, if constructing roads and canals is regulating commerce, then how can you execute this power, without giving this "preference?" You make a canal; it is a "regulation" of commerce; it is from a port or place in one State, to that of another; can you observe equality in all this, and treat all the States alike? The local situation, and nature of the ground, render this impracticable. If then, it is to be derived from the power over commerce, this limitation meets you at the threshold, and renders the whole scheme utterly impossible. But how is it, that we give this word "regulate," this originating power, and make it read, to "erect, create, construct?" I have always understood that its meaning was directory or prescriptive. To "regulate commerce" is not to create it, but to prescribe rules by which it is to be managed. "Congress shall have power to regulate commerce among the several States," &c. Here Congress is the agent, regulation is the action, and the States are the objects. The rules are to operate upon them. The literal meaning of the word is, "to set in order by rule or method." Could the framers of the Constitution have ever supposed that this plain, simple, unequivocal word would have been perverted to authorize the construction of roads and canals? But give this word "regulate" this creative power, and where are we to stop? If a road is a means or medium of commerce, money is emphatically so. If you can make the one, you can the other. As you are not, as the States are, restrained from issuing bills of credit, you might regulate commerce by making paper money; and as this power over commerce is an exclusive power, this money might be made a legal tender, and forced upon the people, and even a local or State bank which stood in its way might be suppressed.

Indeed, upon this construction, I do not perceive why you may not carry on the commerce in those channels which you create. And if you can do this, why not take the whole coasting trade, or even the foreign trade, into your own hands? Sir, give this little word the construction contended for, and there is no limit by which you are to be restrained.

But, it is said this word has had a practical legislative construction, which will warrant you to use it to construct roads and canals. Congress have, under this power over commerce, created and built lighthouses and piers. As this position does not prove what the Constitution is, but what it is construed to be, it will be enough for my purpose to show that Congress never have built lighthouses or piers under the authority to regulate commerce. Congress has power to erect forts, arsenals, dock-yards, and other needful buildings, on lands purchased with the consent of the State where the land is. Lighthouses were erected before the Constitution was adopted, and in the first session of the First Congress an act passed providing for, and requiring of the States a cession of the jurisdiction, hereby admitting that they claimed the power under that clause of the Constitution which authorizes the "erection of needful buildings." Congress has ever since, either by special or general provisions, required that, before the lighthouse or pier should be erected, the jurisdiction of the site should be ceded to the United States. Congress, then, have never so expounded the Constitution as "to erect or create," under the grant "to regulate commerce." As we have designated the power whereby we create these "buildings," now let us see if the friends of roads and canals can derive theirs from the same source. Congress has power to create needful buildings: roads and canals are needful buildings: therefore, Congress has power to create and build roads and canals. Let us try the strength of this syllogism, and illustrate the argument by bringing in a bill to make a canal, and taking the words of the Constitution for the title of the act: "An act for the creation of Needful Buildings—'*Be it enacted, &c.,* That there shall be erected and built a canal, to be ten feet deep and ten rods wide, to commence at the river St. Mary's, in the State of Georgia, and to pass through the maritime frontier of the United States to the river St. Croix, in the State of Maine, and for this purpose there be appropriated two hundred millions of dollars, to be paid out of any money in the Treasury, not otherwise appropriated." Sir, such an act, with such a title would be the subject of universal ridicule; and yet, this act, with this title, is a fair illustration of the whole argument. But, if gentlemen are driven from one fortress, they retreat to another. And if I mistake not, I witnessed an honorable gentleman intrenching at Gridley's farm—a purchase of property by the United States without the consent of the State. If the right exists, will it not help you to roads and canals? As to this right in Congress to purchase lands, I am inclined to differ, which I do always with deference and reluctance, from my venerable friend from Virginia, (Mr. TAYLOR.) The United States may hold lands, but not to an unlimited extent. Before the adoption of the Federal Constitution, we had acquired the Northwestern territory by cessions from several States; and had, by the ordinance of the 13th July, 1787, provided for its government, and stipulated for its admission into the Union. The lands were to be applied to the payment of the Revolutionary debt. It was then foreseen that, from necessity, we must, at a future day, hold these lands within the limits of a sovereign State. It was, moreover, perceived that we might acquire other territory by treaty. The Constitution consequently provided that, by these operations "nothing should be so construed as to prejudice any claims of the United States or of any particular State." By this precaution, the interest of the United States and the sovereignty of the individual States are equally secured.

The power to raise and disburse money, and to dispose of lands, renders it indispensable that you should have debtors, and therefore a power to enforce payment of debts. If a man neglects or refuses to pay his debts or taxes, you can take his goods or lands, and appropriate them to the payment. In one other way, and one only, can you hold lands, and that is by purchase. But this is also expressly limited and defined. After providing for a district for the Seat of Government, Congress can exercise exclusive legislation "over 'all places purchased, by the consent of the Le'gislature of the State in which the same shall 'be, for the erection of forts, magazines, arsenals, 'dock yards, and other needful buildings." Here, while the right to purchase is given, it is limited to specific objects or purposes. You may, I believe, purchase for these objects, thus defined, without the consent of a State, but can exercise no legislation, and the places would be, in your hands, subject to the laws of the State, as other property. The purchase is to be confined to the object, and the consent of the State gives you exclusive legislation over the purchase. These are the three, and the only methods by which you can hold lands within the limits of a State. By acquisition of territory, by debts and taxes, and by purchase for specified objects. These means to acquire national domain are sufficiently ample for all useful purposes, and quite too ample for the security of the independence and sovereignty of the States. You have not, you ought never to have, the power to purchase lands in a State for roads, canals, or any other national project. And, if you would thus purchase, where would be the benefit? The laws of the States would control and embarrass you. Their regulations might subject you to different and perplexing impositions and burdens. Such property would be a source of vexation and expense, and would be worse than useless.

But it is proposed that, if there is any deficiency of power, the States may supply it by cession.

I know of but one way in which the political power of a State can be surrendered; it is by an amendment of the Constitution. The powers of the States, as such, must all be equal. What portion of power has been retained by the people, and what given up to their Legislature, is a question for each State to determine for itself, but any inequality in the Constitution of a State creates no inequality in the different States as political bodies. As such, they are on a perfect equality. The United States can exercise no power in one, which it cannot in another, without consent, and this consent can only be given where the Constitution allows it. The original States, which formed the Constitution, were equally sovereign and independent. Each gave up an equal portion of power to the United States, and consequently what was retained must be equal. Equality of power is essential to the existence of a State. It cannot have less than the rest, and when it has, it ceases to be a State.

Nothing is so essential to the harmony and perpetuity of the Union as this equality. If a State may surrender to the United States a portion of its sovereign power, why not the whole? Could this be done, Congress might have exclusive legislation over a Territory and population, to the great danger and annoyance of the rest of the States.

And, if a State may have less, why may it not have more, than its originally reserved powers? As this right to receive and surrender powers must be reciprocal, it seems to result that Congress, on the part of the United States, and the Legislature of a State, on the part of a State, may barter and exchange the people's rights as they please. And if this right of cession, or consent of a State, except where authorized by the Constitution, be once admitted, it might produce an inequality, variety, and contrariety of powers repugnant to the plan and design, and even subversive of the Constitution.

But, if a State has a right to surrender any of its legislative or sovereign powers, except where it is specially provided, have we any right to take it? How can Congress exercise that legislative power which should be so surrendered? The Constitution prescribes the limits of our legislation, and beyond that we cannot go. The cessions allowed are defined; consequently, all others are excluded.

The Constitution has allowed Congress to exercise certain powers by the consent of a State, and a State to exercise others by the consent of Congress. We are prohibited, by a general clause, to exercise the powers not granted either absolutely or conditionally, that is, with consent. The prohibitions upon the States, though more specific, are of the same character. No consent of Congress could authorize a State to coin money, emit bills of credit, or pass a tender law. These are absolute prohibitions. But a State may, with the consent of Congress, lay imposts on imports and exports, enter into compacts, and engage in war. Congress can, in certain defined cases, exercise exclusive legislation, with the consent of a State. Now, as a State cannot exercise any power by the consent of Congress, except it be allowed by the Constitution, neither can Congress, by the consent or cession of a State, except where it is so allowed. But, as the Constitution has given no power to a State to authorize us to make roads and canals, it would seem to follow that no such power can be derived from the consent of a State.

But how is a State to give its consent? It seems to be understood, by its Legislature. It would be impossible that an adequate cession, of sufficient width for a canal, could be made, without including not only the property of individuals, but their persons. The grant for the New York canal embraces territory on each side, for its convenience. Now, let me ask what right has the Legislature of a State to cede away or disfranchise a citizen? The great leading principles in Magna Charta are embraced in most if not all our State constitutions. No citizen is to be put out of the protection of the law, or despoiled of his immunities or privileges, but by the judgment of his peers, or the laws of the land. How, then, could the Legislature of a State assign one of its citizens to the United States without impugning these great maxims of freedom? It would be a disfranchisement without judgment or law. It would be a bill of pains and penalties, robbing a man of his citizenship without his consent, or even his knowledge.

Sir, these are no new doctrines. In the unpleasant contest of the admission of Missouri into the Union, I then contended that no State could yield up a part of her sovereign power as a condition of her admission; that every State must be received on the footing of perfect equality. I did not anticipate that my friends from Missouri would so soon have abandoned these principles.

The bill before us proposes this survey for military as well as other roads, and this renders it necessary to inquire whether the authority to construct roads and canals can be derived from the military or war-making power.

This part of the subject I approach with great deference and humility—deference, because whatever is military, is, at this day, very popular; humility, because I see much evidence that the people are too much disposed to magnify this at the expense of civil right, which I fear is rapidly becoming subordinate to the military.

I admit that, in time of war, the civil power must, in some measure, be suspended; that, in the midst of arms, laws are in a degree silent; that, amidst blood and carnage, liberty retires, and weeps in silence. Armies must be marched, roads must be cut, farms and gardens must be subverted, houses demolished, breastworks thrown up, battles fought, men slain, wives, mothers, and daughters, bereaved. These are the antic tricks and freaks of the monster war; these are the scenes in which he riots; this is the food on which he delights to feed. But peace returns, and civil right is restored; injuries are repaired; wrongs are righted; and, although the slain cannot be resuscitated, their memories can be consecrated, and their relatives protected. It is then emphatically true that the military is subordinate to the civil authority—not a soldier could be quartered on a citizen without his consent—not a rod of ground can be subject to your power, without the consent of the State where it is.

Connected with, and consequent upon, this war-making power, is that of fortifications; and this has been seized on as giving an authority to construct roads and canals. You obtain the site for a fortification by purchase; you obtain the jurisdiction over it by the consent of the State. You can only purchase for this object—to this the Constitution limits you. Besides, no man can sell more than his own. An individual conveys to the United States a site for a fort; he may have, as appendant or appurtenant to it, a right of way. This is, and must be, limited to a communication with the first common high way, and there it ceases. This is all which, at most, he could convey; and, consequently, this is all you could purchase. Beyond this, the United States could acquire no right over the land of another.

Now, could the consent of a State alter or extend this right? This is necessary to give you exclusive legislation over the land so purchased. This power of exclusive legislation is not a grant, but an authority to receive one from a State. It must be co-extensive and commensurate with, and consequent upon, the purchase; but the purchase is limited to the object, and the consent to the purchase; wherefore, the exclusive legislation is confined to the object, which is the fortification. Unless I am deceived by a partiality for my own reasoning, the argument on this point is conclusive. But even if the consent of a State to a purchase for a fort or arsenal could authorize a right of way from and to it, what may be its extent? From and to what place or places? Where is the *terminus ad quem?* Surely not beyond the limits of the State. A State cannot, any more than an individual, dispose of more than it has. One State cannot legislate for another; I never knew it attempted but once. I understood that the Legislature of Pennsylvania did undertake to pass a law regulating the sale of lands in Ohio, but Governor McKean returned it with his negative, sarcastically remarking, that perhaps it might be as well to leave it to the good people of Ohio to make their own laws in their own way. If, then, a road, as appurtenant to a fortification, might extend from it to the bounds of a State, it would be totally incomplete for your purpose—your object is to make a communication from one post to another. Your appurtenant road or canal could not exist except in the State where your fortification is established. Every other State through which you would carry it, would obstruct you, and the power being thus limited and restricted, would be worse than useless.

I know very well that we have been told that, without the right to make roads and canals, the military power will be imperfect. I hope in God that in this country the military power will always be imperfect. A perfect military power is a military despotism. Gentlemen seem to forget that there are yet some powers left to the States, and that they have corresponding duties. A fort is to be erected in a State, primarily for its protection, remotely as a defence of the Union. A State has important powers reserved, civil as well as military. It holds the purse and the sword, as well as the United States. It has nearly the exclusive control of its militia in peace, and an important direction of it in war. In this latter event, it can raise armies, and maintain navies. As a fort is established for the mutual benefit of the State and the United States, it was proper that each should contribute something to its establishment. The parties agree on the site, the State provides facilities of communication, either by its rivers or roads, or both, and cedes away its sovereignty, and the United States build, arm, man, and defend it; and by its exclusive legislation govern it, in their own way, and at their own expense.

And what more power do you need over your military posts or places? Do you still apprehend that this power is so incomplete that, in time of peace, the army may suffer? Do you fear that, if it has no other means of protection and sustenance than purchase of individuals or consent of

States, that it may be in distress, without remedy, and, therefore, it is necessary to amplify the military power to provide against this imaginary evil? Sir, this is all visionary. We hail the soldier of liberty as a friend. When saw we him hungry, and gave him no meat; thirsty, and gave him no drink; naked, and clothed him not; sick and imprisoned, and did not administer unto him? These deeds of charity are done, not only to our own soldiers, but to prisoners and rebels. Our kindness to a captured or wounded enemy, both in the Revolutionary and late wars, was proverbial, and, I regret to add, was too often requited with base ingratitude. No, sir; when any portion of your army, in any part of the United States, shall be unable to obtain shelter or sustenance by ordinary means, that part of your country will be in that state of rebellion which would justify force, or the army itself will have become so odious that it is time it is disbanded.

Your bill, I perceive, contemplates the making of post roads. As the power to establish post offices and post roads has been seized on with much confidence, as authorizing you to make them where you please, it will be necessary to give this grant a particular examination, although I confess I could never perceive how a power to "establish" a road, could be deemed an authority to construct a canal. To come to a correct conclusion on this point, we have nothing to do but to take language in its usual and ordinary sense. The word "establish," as applied to this subject, was taken from the Articles of Confederation, in which a power was given to the United States "to establish and regulate post offices from one State to another, throughout the United States." The word occurs twice in the preamble, and three times in the body of the Constitution. It is, in every instance, prescriptive or directory. One of the objects of the Constitution, as mentioned in its preamble, is, to "establish justice," not to create it; but to prescribe the rule by which it is to be administered. For the purposes mentioned in the preamble, "We, the people, ordain and establish," that is, decree and prescribe, "this Constitution." The judicial power is vested in a supreme court, and such inferior tribunals as Congress shall "ordain and establish." Congress has power to "establish" uniform rules of naturalization, and to "establish" post offices. In all these, they prescribe rules and duties for others. With these instances before us, and these are all, let us now apply the word to post roads, and it is plain, that the intent must have been, not to construct, but to prescribe or designate. Had the Constitution intended to have given us the power which is contended for, it would have used a word, a monosyllable of four letters only, and all doubt would have been removed. The word "make" could never have been misunderstood. It is the ordinary statute word. The literal definition of establish is, to fix firmly, to settle; substitute this definition for the word itself, and read the clause, "Congress shall have power to fix and settle post roads," and no mortal would suspect that we had thereby the power to make them.

The ordinary meaning of the word, forbids the construction which is attempted. Were you to order your servant to "establish" a fire for you, he would stare at you with astonishment. Should you direct your tailor to "establish" for you a coat and pantaloons, surely he would not understand you, and be more likely to believe that you wished him to put them on, than to make them for you. You find, moreover, no statute, or legal use of this word, that will justify your construction. In the old English statutes for constructing highways, the words are "lay and make," or "lay out and make." In the first settlement of the colonies, as new roads were continually wanted, we find very frequently, in their laws, the appropriate expressions for doing the act, and it is uniformly "lay out and make." Such is the case in the States, since the Revolution; and, indeed, in the States of Maryland and Indiana they have recognised the very distinction for which I contend; for, where they prescribe or fix the course or site, the word establish is used; when they intend to construct, they "lay out and make," or "open." And ever since the adoption of this Constitution, you have observed the same distinction. When you intend to designate only, as in the case of post roads, you "establish;" when you would construct, as in the Cumberland road, your language is, "to lay out and make." Hence, sir, the literal, ordinary, statute, and Constitutional meaning, all combine to deny to this word any creative power.

But, these post offices and post roads were to be established for the benefit of the people, in the States. There are three classes of powers in the Constitution—exclusive, alternate, and concurrent. The first are those where the States are prohibited, such as to coin money, make treaties, &c. The second, those which belong exclusively to us, while we continue to exercise them, but when we cease, they revert to the States; such as "an uniform rule of naturalization," and a "uniform standard of weights and measures." The last, is where both may exercise them at the same time; such is the power "to lay and collect taxes." Now, what is the character of this power over post roads, and to which of these classes does it belong? Can a State exercise it while it is exercised by Congress? Surely the States never intended to give you the power to make your roads where you pleased, and divert the channels of information from their ordinary course, without reserving to themselves the power to establish such as they might need. It then comes to this; if you have a right to make your own roads, for your use, they retain the power to establish State post roads for their own convenience. But the fair conclusion is, that Congress can only designate existing roads, and, while they exercise this power, the States cannot.

I know it will be said, for it has been said already, that, if all this be true, the power is incomplete. The State may obstruct, or shut up their roads, and subject the whole establishment to their control. A very reasonable supposition! Before the adoption of the Constitution, the people were united by strong ties, and one of the objects of that instrument was, "to form a more perfect union." They can never dispense with roads; they will and must have them where they have inhabitants, where they need them the most, and there your mail can be carried, and nowhere else was it intended it should go. Sir, the framers of the Constitution were not so visionary as to provide against mere possible dangers. They knew the characteristic propensity of the people; that there was, always had been, and always would be, in them, a most unconquerable thirst for information. This propensity is proverbial, and, in some parts, grown almost into an impertinent curiosity—so much so, that it is said of the venerable Franklin, that, when he journeyed through a part of New England, and had occasion to stop at any house, he would, to save himself trouble, call all the family together, inform them that his name was Benjamin Franklin, that he had come from Philadelphia, was bound to Boston, what was his business, and when he expected to return. Have you ever yet known the people opposing the establishment of a post route near them? The contest is always for it. Witness the scene in a country village, when the post arrives. The tailor quits his shears, and leaves his goose to cool; the blacksmith loses his welding heat; and even the toper foregoes his glass, when almost to his lip, and all gather round, to hear the newspapers. "Houses in ashes, and the fall of stocks; births, deaths, and marriages;" political conflicts, personal abuse, poetry, and wit—nonsense, and news—all devoured up "with a greedy ear," no matter whether true or false. Sir, when this inordinate passion for news shall be extinguished, then will have arrived that dead calm, that lethargy of despotism, which never afflicted any country; and, when that shall have arrived, you cannot only make roads, but do any thing else. You may imagine a thousand dangers greater than this; you may suppose that the States would obstruct your Executive and Judicial officers and members of Congress, and this is to afford you a pretext for Executive, Judiciary, and Congress roads. Sir, in our search for power, we become visionary and capricious. A political and human constitution have a striking analogy. They both have their birth, childhood, maturity, and old age; and, with proper care, prudence, and diligence, can get through the period of their existence with comfort and honor to themselves, and leave, perhaps, a comfortable legacy to those who succeed them. But no extravagance, no wild speculation—and, particularly, never send for the doctor before you are sick. The epitaph—"I was well, and would be better—I took physic, and here I am," is an admonition to every visionary legislator.

I come now to a provision of the Constitution much relied on, and much perverted; "common defence and general welfare." Here an honorable member from Missouri, (Mr. BENTON,) found his military road. The syllogism I suppose to be this: Congress has power to provide for the common defence and general welfare—to make roads and canals is for the common defence and general welfare; therefore, Congress has power to make roads and canals. If the major be true, I admit the conclusion, or any other conclusion, to do what you please. But this is no grant of power; it is the apology or the purpose of a grant. The words of the grant are, "to lay and collect taxes," &c., "to pay the debts and provide for the common defence and general welfare," but all imposts, &c., shall be equal. Here are the grant, the object, and the limitation or exception. The preamble to the Constitution gives you the end or design. The means are provided and defined in the instrument itself. The first enumerated was a power over the purse. This was necessary, but it was new, and one of which the people of the States were jealous. A reason must be given for this, and that given was the true one; it was, that they might pay the debts, and provide for the common defence and general welfare, as defined in the Constitution. If you have, in this clause, four distinct enumerated powers, why is the limitation or exception which applies to the first, placed after the last? If "general welfare" is a power granted, what need of the rest, or indeed of any other? The first and second are specific powers; the third includes them both; and the fourth swallows up all three. Besides, it would be next to ridiculous to give to Congress a power "to pay debts." There is a grant to borrow money on the credit of the United States, and by another provision, debts previously contracted were recognised under "this Constitution." Now, as he who contracts a debt, must necessarily obligate for its payment, no such grant was necessary, and none made. This "to pay the debts" was the reason and purpose of the grant of taxation, and if this, so were those of common defence and general welfare. The true reason for the phraseology was to save the necessity of repeating the words "Congress shall have power," at the beginning of every grant—otherwise the words would have stood thus: "to pay the debts and provide for the common defence and general welfare, Congress shall have power to lay and collect taxes, imposts, &c., but all imposts, &c. shall be equal."

If these, then, are not grants of power, neither are they an unlimited authority to appropriate money. If the designs in the preamble are to be effected by the provisions in the Constitution, and in no other way, it follows that this is the case in the application of your money. Your common defence is defined in the Constitution, and extends to protection from external violence and internal feuds, and the manner of protection is specially prescribed. Your general welfare extends to foreign intercourse—justice and equality among the members of the Confederacy—a perpetuity of the Government—and the protection of its members in the discharge of their respective functions. Here, too, the manner is prescribed and the power limited and defined. If, then, these expressions are restricted and definite, it follows that your money can only be applied to the execution of these definite Constitutional powers.

But, in these latter days, a new sect of expounders of the Constitution has sprung up. They admit that this power, being derivative, cannot be inferred from any one of those enumerated, but it may from all. With all the improvements in the science of chemistry, no one, it is presumed, ever suspected that it would be used to expound the Constitution of the United States. And yet such seems to be the fact. These wise men commence an analysis of a particular power, and find several ingredients there; they then decompose another, and find a few more particles; and so on through some fifteen or twenty. They then put their results together, perform the process of amalgamation—a very fashionable process at this time—and thus form one simple substance, which they denominate the power of "roads and canals," or "internal improvement." In effect it amounts to this: This power is not "necessary and proper" for the execution of either of the others, but for all. No one requires it, yet every one requires it. Here is a power derived from others, different in their character—some exclusive, some alternate, and others concurrent—and pray of which does this partake? What are the complexion and features of this child of twenty fathers? Whose image and superscription does it bear? Sir, I protest I cannot reason against such logic. It transcends my limited understanding. But, yield to this, and where are you to stop? It can be neither limited nor defined. It is an ocean without a shore. It is, indeed, a substantial, efficient, not an imaginary "great central power unknown to the Constitution." Its centre is everywhere, its circumference nowhere. Like Omnipotence itself, no mortal eye can behold it; it is seen only through the magnificence of its works. I am aware that my Constitutional doctrines are old-fashioned. The love of power is inherent. It is often sought with the best motives. The patriot is apt to believe that, if he had more power, he could do more good; and when we restrain or circumscribe him, he asks, with a sigh, What! "have we not power to do good?" But we ought to remember that this power to do good, has been the plea of every tyrant, from Nimrod, the hunter, down to Ferdinand, the beloved; and when obtained, they have reserved the good to themselves, and entailed the slavery, with all its misery and mischiefs, on those who granted it and their descendants.

But if you, by searching, can find this power, what good is to result from its exercise? You now can scarcely fulfil your legitimate duties, and are wishing to throw off some of them on other departments. And while your business is multiplying, you will introduce into Congress a subject more perplexing, one which will excite more jealousy, provoke more discord, and induce more management, if not intrigue, than all others combined.

Will you appropriate equally? To do this, we must first ascertain what States have already received any thing, and how much, and deduct it from their share. The two millions for the Cumberland road must be put into a common fund, and deducted from the shares of those States which have had the benefit of it. Whose turn comes first? This is a very important inquiry. The first important canal you construct will so exhaust your Treasury, and encumber you with debt, that it will be the last. What is your rule of equality? Among the States, probably according to their Representatives, as this is your rule of taxation; and, if you proceed in this, taxation must come. Now, would this be right? In the canal which is to unite the waters of the Chesapeake and Delaware, the State of Delaware would incur most of the expense, and receive least of the profits. In Maryland, some expense and considerable profit. Pennsylvania, none of the expense and most of the profits. Delaware would draw one part in 213, Maryland 9, and Pennsylvania 26.

Will you divide unequally and at discretion? Let the time come when Congress combine and appropriate money for the benefit of a majority, to the exclusion of a minority, and your Union is in the most imminent peril. Will you tell New England that, since they have made their roads at their own expense, that you will now take their money to make yours? That, although roads across the mountains give a direct benefit to some States, yet, as we are remotely benefited, we have no right to complain? Begin a bargaining system of this sort, and see how long it will last. Treat the complaints of an injured minority as the "capricious squalls of a child, which does not know whether it is aggrieved or not," and see how soon "this child will assume the voice and courage" and strength of a man. Suppose we should succeed in throwing back on you your own principles—suppose we should attempt a system of education and establish a national university, and surely nothing can be more emphatically "internal improvement" than that which goes to improve the human mind—suppose we should make a donation of a hundred millions to Cambridge, whose foundation and reputation are so well established. Location is nothing, and if gentlemen in the South and West would be obliged to send their children some fifteen hundred miles, they are remotely benefited, and must not complain.

One, and not the least of the evils which is to result from this system, is, to paralyze the exertions in the States. They will always expect more of you than you can perform. They will neglect to improve their roads in waiting for you, and they will wait in vain. The ordinary expenses, in Maine, of repairing and making roads, is not less than $300,000 annually. Supposing this to be an average with the other States, and that it would cost you two dollars to do what they might perform for one; the annual expenditures for ordinary repairs would exceed $18,000,000. If you add to this the splendid scheme presented by the honorable member from Missouri, in his amendment, you may at once perceive the ordinary revenues of the United States, for fifty years, would not accomplish the object. Taxation, internal, direct, and oppressive, would be the inevitable result.

Sir, gentlemen who would commence this mad project, are bound to show us "the ways and means." What are they? You have read of a man who began his house without funds—and how, "those who passed by wagged their heads, and said one to another, this man began to build, and was not able to finish." This will be our case. The member from Missouri has, however, undertaken to become the Minister of Finance, and "in opening the budget," has told us how he will get the money. He is first to take that paid to the Revolutionary pensioners after they are dead. It is an old adage, "that those who wait for dead men's shoes will go barefoot." And there is another almost as true, "that pensioners never die;" that is, I presume, never die off the list. Not that I wish the old fellows to die. God preserve them, I say, many years. They will serve to call to our remembrance the principles of the Revolution, and which are now almost forgotten. But, sir, if we continue as ingenious in finding out means of expenditure as we now are, if that honorable member will present us a few more expeditions to the Upper Falls of the Missouri, to protect trespasses on the Indians, I strongly suspect that the fruit of this tree will be picked up quite as fast as it falls. His next source of revenue is derived from a cessation of the annual appropriation for the public buildings. If he calculates that for fifty years we shall expend less than we do now in this city, he calculates without his host. But when the fortifications are finished! Oh then, to be sure! Stop a little. Look at the reports and plans of your War Department, and $20,000,000 will not complete the works in contemplation. And his supposition that the gradual increase of the revenue will yield a surplus, is altogether as visionary. The honorable member forgot to remember that the increase of expenditure has far surpassed that of the income. In 1803, the public debt was about $70,000,000, receipts $14,000,000, and the expenses of Government between three and four millions. At this time the public debt is about $90,000,000; the average income $19,000,000, and the ordinary expenditures $11,000,000; of the income is $1,500,000, annual sale of public lands—a fund always diminishing. The Sinking Fund, as established in 1817, with proper economy, would by this time have reduced our public debt to forty instead of ninety millions.

Sir, for twenty years, the surplus revenue derived from the sources suggested by the honorable member, would not be sufficient to complete Goose Creek Canal. But, sir, I have already dwelt too long on this disgusting scheme and its disastrous results. For my constituents, I see nothing but taxes, taxes without any the least equivalent—I see that the Constitution is made to mean just what the interest of a majority shall dictate; that the rights of the States are nominal—and that this measure is to reduce them below the grade of petty corporations. And where can the encroachment be resisted? No where but in this Senate. For this purpose were we ordered to this post. The States expect us to do our duty. We should never surrender. If we fall in the conflict our country will consecrate our fame. Twice, within my experience, has this Senate stood firm, and refused to admit a State into the Union, shorn in the least of the political powers enjoyed by the rest; and that, too, against strong popular excitement. Once, at least, have we stood firm and fast against Executive power, and in spite of strong partialities. I trust that we shall not yet give way, but stand to our duty like the rock in the ocean, which defies the storm.

THURSDAY, April 22.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings; and, in concurrence therewith, resolved that the prayer of the petitioners ought not to be granted.

Mr. **EATON** presented the petition of John A. Webster, late sailing-master in the naval service of the United States, praying indemnity for property lost while in the discharge of his duty; which was read, and referred to the Committee of Claims.

SURVEYS FOR ROADS AND CANALS.

The Senate then resumed the unfinished business of yesterday, being the consideration, in Committee of the Whole, of the bill from the House of Representatives, "to procure the necessary surveys for roads and canals," together with a new bill, proposed by Mr. **BENTON**, as a substitute for that bill. Mr. **BARBOUR** was called to the chair.

Mr. **HOLMES**, of Maine, again took the floor, and concluded the speech which he commenced yesterday, against both the bill and the proposed amendment, as given entire in preceding pages.

Mr. **CHANDLER** then moved to amend the amendment, by inserting a proviso requiring the assent of three-fourths of the States, previous to the commencement of the contemplated surveys. This was not agreed to.

Mr. **TALBOT** opposed the amendment, on the ground that a bill, of the vast extent proposed by Mr. **BENTON**, could not possibly be matured at the present session of Congress.

Mr. **SMITH** considered the original bill, as it came from the House of Representatives, as merely authorizing the President to take a topographical view of the United States, and did not consider it as involving the question of the constitutionality of making roads and canals.

A division of the question was called for. The question was then declared to be upon striking out the original bill.

Mr. **JOHNSON**, of Kentucky, made a few remarks in favor of the bill. He contended for the power, on the part of Congress, to make roads and canals. Independent of the Constitutional question, he thought this appropriation ought to be made, for the purpose of obtaining topographical information.

Mr. **TAYLOR**, of Virginia, spoke as follows:

Mr. Chairman: The honorable member from Kentucky, who has just sat down, has endeavored to soothe our fears as to this bill, by representing it as only a harmless measure, not creating either roads or canals, and only providing for surveying extensively, and employing engineers now in pay, at the trifling expense of $30,000. The foolish Trojans regarded the wooden horse prepared by the cunning Greeks, as harmless; demolished a part of their walls for its introduction; and their city was destroyed. Does this bill contain in its womb fewer combustibles, or such as are less likely to inflame geographical interests, and destroy the Union, should we provide for their introduction, by levelling those outworks by which the Constitution is defended? The honorable member from Missouri has candidly removed the mask, with which the design is endeavored to be concealed by the bill, and designated certain roads and canals to be made in the amendment he has proposed; the expense of which would amount to incomputable millions. The whole subject of roads and canals is therefore before the Senate.

After the admirable argument we have heard from the honorable member from Maine, (Mr. HOLMES,) with which I concur except as to a single point, it may seem presumption in me, to attempt, or to hope I shall be able, to add any thing new; and if I should fail, I must throw myself on the indulgence of the Senate. Had the heathen deities been now alive, I might have invoked Æsculapius, Minerva, and even Momus, to aid me in the effort; or had our two old parties, guided and designated by comprehensible principles, yet existed, I might have addressed myself to them. But all I can now do is to call up a jury before the eyes of the Senate, de mediatate linguæ, composed of the most eminent ghosts of these parties, with General Washington their foreman. Is it not certain that they would unanimously agree in a verdict, that this internal power now claimed, was unconstitutional? Although these parties are dead, new ones have arisen even better defined by their names and principles, both imported from France, where they are in full operation; namely, ultras and radicals. The first party, striving daily to overturn the charter granted to the people by a King; the second, adhering to the roots or principles of that charter. The same is the case as to our Constitution. The plumes of our parties are respectively composed, one of a single white feather, the other of feathers of various colors, among which there is, unfortunately, a white one also; and whenever the radical party are influenced by any project, dictated by local interest or prejudice, it most injudiciously picks out of its crest all the other feathers, retains one only, mounts the white cockade, and acts upon occasion after occasion with its adversary.

Thus the constitutionality of the claim on behalf of the Federal Government to exercise local internal powers, as in the case of roads and canals, is gradually gaining ground by the acts of those who deny, theoretically, the principle.

Let us examine the grounds upon which this Federal power is inferred, by the radical party, from the Constitution, through the influence of local calculations. The chief reliance is placed upon the word "establish." Congress shall have power "to establish post roads." This word has been expounded by Congress itself, from the adoption of the Constitution; when its meaning was fresh, down to the present time, when its meaning is questioned, by some thousands of constructions. It has passed a multitude of laws to *establish*, and many to *discontinue* post roads.

Was any road ever actually made in virtue of the word *establish*, or ever obliterated or shut up, in virtue of the word *discontinue?* Did Congress, in any one of these numerous instances, construe the word *establish* as equivalent to the word *make?* The mail is directed to pass from one place to another, without making a road for that purpose, and the word establish was never contemplated as requiring that a road should be made to comply with the laws. These contemporaneous and continued constructions seem to be conclusive. But, are *canals*, also, now united with roads, justified by the word *establish?* Happily, the Constitution does not give to Congress a power to establish post canals. When the two powers, therefore, are united, it is evident that no reliance is placed on the word *establish*, as it relates to roads, because canals, to which that word does not extend, are associated with them.

It is remarkable that the framers of the Constitution have themselves, in the third sentence, after using the word *establish*, indicated the meaning they applied to it. Power to *constitute* tribunals is given to Congress. This is a word equivalent to *create* or *make*. Congress are, therefore, empowered to *create* inferior tribunals, because they could not exist without such creation, and only to establish post roads, because roads might and did exist without any necessity for making or creating them by Congress. And according to this plain distinction between the words, exhibited by the framers of the Constitution, Congress has invariably legislated. It has made or created tribunals, and selected roads for mail routes. If it had selected State courts for inferior Federal tribunals, and made, created, or constituted roads and canals, it would have wandered from the Constitution in both cases.

The next clause of the Constitution resorted to, for the purpose of justifying a Federal power to make State roads and canals, is in these words: "Congress shall have power to regulate commerce with foreign nations, among the several States, and with Indian tribes." Whether the word commerce is used in a general or restricted sense, is the question. If in a general and unrestricted sense, it would reach the whole intercourse among men, and even include the connubial. There could not exist any social intercourse which it would not include, and the Federal Government would receive from this clause an absolute, consolidated, and unlimited power; for what power can exceed that of regulating the whole intercourse or commerce of the members composing a society?

It must, therefore, have been used in a restricted sense, to sustain the intention of the Constitution to create a limited Federal Government. To enforce the restriction intended by the word "commerce," the United States are placed between foreign nations and Indian tribes, as if to fortify them on both sides, against applying a meaning to the word "commerce" in their case, which was not applicable to it in the cases of foreign nations and Indian tribes. Does the word "commerce" give a power to Congress to make roads and canals for these nations and tribes? If not, as this word is used in the clause as equally applicable to all three of its members, it follows, irresistibly, that it does not empower Congress to make roads and canals for the States. Does it empower Congress to regulate wealth and poverty among the individuals composing foreign nations, or between Indian tribes? If not, it follows, as conclusively, that it does not give Congress a power to regulate wealth or poverty, either between the States, or between the individuals composing a State. The words "to regulate commerce," being used in reference to three subjects, without any distinction between them, are used in the same sense as to all, and a construction obviously absurd as to two, must be equally so as to the third. A contrary construction would degrade the States below the Indian tribes. Their consent is asked, and usually bought; nor is a road made through their territory without obtaining it; and it is, I suppose, upon this Indian authority that the consent of a State is considered by some gentlemen as conveying a power to Congress to make roads and canals, and also to buy and hold lands.

Let us, sir, examine this doctrine. Nations unrestricted by any compact, are not in the situation of the United States. Their governments may grant or sell powers to other governments, and, among them, the power, in one, of making a road or canal; or that of buying and holding lands within the territory of another. But both the Federal and State governments are subjected to the restrictions of a compact. The former can only obtain specified and limited possessions within the territories of a State, with their consent, and the latter are restricted from enlarging the powers of the Federal Government, except by the consent of a large majority of the States; and over all acquisitions of landed property which the Federal Government can constitutionally obtain, that Government is invested with exclusive legislation. Can it obtain any landed property without acquiring the exclusive legislation attached, by the Constitution, to all that species of property which it is allowed to acquire; or is there any intimation in the Constitution allowing the Federal Government to acquire landed property without the concomitant of exclusive legislation, attached to all such acquisitions allowed to be made by the Constitution? By what tenure would the Federal Government hold lands, acquired by the consent of a State? Would the tenure be a mortmain, feudal, or personal and allodial. Every State has laws for regulating the titles to real property. Is such a title in the Federal Government provided for by any of these laws? In what character could it sustain an ejectment against an intruder? The defendant is not bound to prove any title, but the plaintiff must show one under the State laws, before he can recover. By these laws no association or corporation can acquire or hold lands, unless empowered to do so by a special law of the State. If associations of individuals can hold them, exonerated from the laws of descent, and transmissible to successors, then religious or any other associations might hold lands in an associated capacity.

To avoid so obvious an evil, there are but two cases, generally speaking, in which the title to lands can be sustained—those of inheritance and corporations, under positive laws conveying the right. The power of the Federal Government to hold land within a State, by consent, gift, or purchase, must come within the purview of one of these cases. Individual inheritance is out of the question. A corporate right is the only inquiry. I both admit and contend, that the Federal Government is extremely similar to a corporation. It received, and exists, under a charter granted by sovereign States, stipulating that this charter should not be altered except in specified modes. The charter bestows upon it no right to acquire or hold land, except in specified cases, to all of which exclusive legislation is attached. It is true, that refuge against these arguments is sought for, under the idea of some indefinite character attached to the word *government;* but, if this evasion is sound, the Federal Government ceases to be limited by the Constitution, its only character; and the novel result ensues, that thirteen sovereignties, now twenty-four, become the creatures of their own creature.

Farther to evade it, we are frequently told, that the Federal Government has purchased Louisiana, and sundry extensive tracts of country; and that, if these acquisitions are justifiable, the acquisitions of land by it, within a State, must also be proper. The reply is, that all these territorial acquisitions, whether from France, Spain, or the Indians, have been made under the treaty-making power, given to the Federal Government by the Constitution. But these acquisitions are not made for the benefit of the Federal Government, or to increase its Constitutional power, but for the benefit of the confederated States, and to increase the power of their Union. For this latter purpose, and not to aggrandize the Federal Government, the treaty-making power, by which these acquisitions were obtained, only made the Federal Government a trustee, of which the clause for converting them into States is almost a demonstration.

As to this point, if a State can give or sell to the Federal Government a part of itself, except in the permitted cases, or give or sell to Congress any judicial or legislative power at all, it may transfer to it all its rights, violate the Federal compact, and disorder or destroy its division of powers.

The last source from which the power to make roads and canals is attempted to be extracted, is the right to make war, and to this power that of taxation has been united, for the sake of the inference, that the endowment of the Federal Government with these two mighty powers, precludes the idea of its not possessing the comparatively inferior powers of making roads and canals; and that these great powers may be better executed, by the inference, that these, and all the other inferior powers convenient to them, were constructively bestowed. The confidence supposed to be placed in the Federal Government by the grant of the two great powers, is considered as a proof that the States did not intend to withhold from that Government the minor powers of making roads and canals: since every minor power whatsoever may be considered as having some influence, near or remote, upon the major powers of war and taxation. Thus, all minor powers are absorbed by these two greater powers, and the States possess no reserved powers, unless such as are of greater magnitude than those of war and taxation. The exploded docrines of allegiance and protection are thus substantially revived, and a complete subjection substituted for the sovereignty of the States. The law of power is substituted for the law of compact, and the ancient club law, invented by one Hercules, is revived. He used it to kill wild beasts; a precedent for using it to kill State rights; and Cæsar's famous doctrine, inferring that money and men were irresistible, is proposed for the adoption of public opinion. These being given to the Federal Government, State rights ought of course fall before their prowess. It is, in truth, both the theory and practice of the Holy Alliance. Guns are substituted for clubs, money for justice, and Naples and Spain have felt the force of this mode of reasoning.

It was said by an honorable member from Kentucky, and denied by an honorable member from Maryland, that Congress had heretofore asserted the power of the Federal Government to make roads and canals; and the first gentleman urged the decision as an authority sufficient to establish the power. If authority, and not the Constitution, is to decide this question, that which certainly exists, will overbalance that which is denied to exist; especially when it proceeds from an unexpected quarter, warped by no prejudice in favor of State rights, as Congress might possibly have been in favor of Federal powers. In the decision of the New York steamboat case by the Supreme Court of the United States, it is asserted, that "the completely internal commerce of a State, 'then, may be considered as reserved for the 'State itself, and turnpike roads, ferries, &c., are 'component parts of this mass." A power to make roads and canals is claimed upon the ground, that they are appurtenances of commerce. Admitting them to be so, then the decision of the court, that the reservation of internal commerce to the States is complete, includes roads and canals as appurtenances of this internal commerce, and the principle upon which the inference is founded, assigning a power to make them to Congress, is adverse to the conclusion. The power over external commerce, with its legitimate appurtenances, is given to the Federal Government; that over internal commerce, says the court, is completely reserved to the States. Are roads and canals appurtenances of external or internal commerce? The court say that roads, ferries, &c., constitute a portion of the "mass" of powers, appertaining to internal commerce, reserved with it to the States "completely."

Having passed rapidly over the construction of the Constitution involved in the question concerning roads and canals, I will now concisely advert to the expediency of the policy proposed. It is obvious that, wherever the exercise of local internal powers begins, representation ends, because Congress, acting by a majority, without local fellow feeling, can never constitute a representation of the geographical interests and climates at the extremities of the United States, North or South, East or West. But this objection, sustained by the soundest principle for the preservation of a free Government, if any such principle exists, is evaded both by the tariff and internal improvement projects, by delusive promises to compensate the sufferers. These projects are near relations, good friends, and kind neighbors to each other. They will, therefore, undoubtedly carry into effect the doctrine of compensations between themselves, so long as they must unite to succeed. But when, in fact or in history, was it ever known that the thief or the robber, nations or geographical districts, self-interest or combined capitalists, transferred the money of others to themselves by fraud, force, or law, in order to make compensations, or obtained any local advantage for themselves with an intention of bestowing on those at whose expense they obtained it an equivalent local advantage? The idea is, indeed, suggested, of giving money to the States, in proportion to their population, to be employed in local improvements. But what can be gained by this, except an enhancement of expense, and an increase of patronage? All projects for transferring the property of some people to others are produced by speculations precisely opposite to an intention of compensating the losers. Partiality, and a design to gain and to keep as much money, and as many exclusive advantages as possible, suggest them before their birth, and sustain them as long as they live. In the case of roads and canals, this partiality would inevitably ensue from the incurable inefficiency of the representation in Congress to exercise local powers, either with justice or discretion. The attempt will scatter the flames of discord, and the frauds of combinations, among the States, which may probably destroy their union; so that this little, harmless, thirty thousand dollar bill, is not only fraught with inconceivable millions of expense, but with an inconceivable number of causes for partialities and discord.

But it may be said that these are fears of theory, and that they are proved to be groundless by the evidence of experience. In order to establish the fitness of Congress for internal improvements, and the economical application of money to these objects, we may be called upon to open our eyes and contemplate its exploits. We behold its taste and progress in the beautiful internal improvements, exhibited in the Capitol square and the grounds about the President's house, although they consist of several acres, and have not enjoyed the benefit of Congressional capacity for internal improvements for more than thirty-five years. We behold a botanic garden from an eminence, disclosing all its splendors, and inspiring an ecstacy, causing us to regret that Linnæus is not alive, that we might send for him to participate in the delightful spectacle. And we have only to refer to a succession of laws concerning the Cumberland road, in order to ascertain the degree of economy with which Congress is capable of effecting internal improvements, equal in cheapness and beauty to those I have enumerated—improvements which may chain the States together, and become a happy substitute for the decaying principle of a division of powers, so that when they cease to be united by the Constitution, they may be kept together by roads and canals.

Weighty as this argument, derived from experience, may be viewed by some, to establish the fitness of the Federal Government for internal improvements, yet it cannot obliterate from my mind a conviction, long nourished, as the best security for human liberty and happiness, it having been planted there by almost all political patriots who have taken it into consideration, namely, that the policy of leaving individuals, partnerships, and States, as much as possible to pursue their own interest, in their own way, is the only good evidence that the Government is founded in reason and justice, and not in error and fraud.

When Mr. TAYLOR had concluded—

The question on striking out the original bill was then put, and decided in the negative.—The yeas and nays were as follows:

YEAS—Messrs. Barbour, Bell, Benton, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliot, Gaillard, Holmes of Maine, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of New York, Knight, Macon, Mills, Taylor of Virginia, Thomas, Van Buren, and Williams—21.

NAYS—Messrs. Barton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, King of Alabama, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Smith, Talbot, Taylor of Indiana, Van Dyke, and Ware—21.

The Senate having thus refused to strike out the original bill, the question recurred upon that bill. Mr. HAYNE moved that the further consideration of the subject be postponed to Monday next. This motion gave rise to a short desultory debate, between Messrs. FINDLAY, NOBLE, and BROWN. It was superseded, however, by a motion to adjourn, which was carried by the casting vote of the Chair; and the Senate adjourned.

FRIDAY, April 23.

On motion, by Mr. BARBOUR, the Secretary of War was required to report to the Senate how far the act has been executed, entitled "An act for the relief of Nimrod Farrow, Richard Harris, and their securities," approved 3d March, 1823.

Mr. HAYNE presented the memorial of E. Littell, bookseller, of Philadelphia, praying that no additional duties may be imposed on imported books; which was read, and referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act supplementary to an act, approved on the 3d day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices," "An act making appropriations for certain fortifications of the United States for the year 1824;" "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi, and Territory of Arkansas;" and "An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same:" in which bills they request the concurrence of the Senate.

Mr. BARTON moved that the Committee on Public Lands be discharged from the further consideration of the resolution of the Senate of the 29th of December last, directing an inquiry into the expediency of exposing the salines and lead mines of the United States to public sale. Mr. B. stated that, when this resolution was referred, the committee had directed an inquiry to be made of the quantity of land reserved from sale as salines and lead mines; of the leases that had heretofore been made of mines and salines, and the proceeds thereof to the Treasury—that it had not been in the power of the Department to furnish that information, until a late day, owing to the want of proper returns to the Department; and that, from the late period of the session, the committee believed it impracticable to mature any measure upon this subject at the present session; and had, therefore, instructed him to submit this motion.

The committee was discharged accordingly.

SURVEYS FOR ROADS AND CANALS.

The Senate then resumed the unfinished business of yesterday, being the bill from the other House "to provide for the necessary surveys for roads and canals;" Mr. BARBOUR in the Chair.

Mr. TALBOT rose, in explanation of some remarks he had heretofore made on this subject. He conceived that no gentleman, by voting for this bill, would thereby pledge himself to support a general system of internal improvements, when the same should be brought forward.

Mr. SMITH thought that the passage of this bill might, hereafter, be taken as a recognition of the power of Congress to construct roads and canals; he feared that it might be considered as the entering wedge to the great system of improvements, the power to adopt which, he for one was not disposed to admit. He, therefore, proposed to amend the bill, by attaching to it a proviso, "that nothing herein contained shall be taken to affirm or admit the power of Congress, on their own authority, to make roads and canals in any State of the Union."

Mr. RUGGLES made some remarks in favor of the principles of the bill, and of pursuing such measures as would tend to produce a more intimate connexion between the Atlantic States and the valley of the Mississippi, which must hereafter contain a population bearing a great proportion to that of the whole country. The interest of both these sections of our country, he argued, would be greatly promoted by such a measure.

Messrs. Eaton, Brown, Lloyd, of Maryland, Johnson, of Kentucky, H. Johnson, of Louisiana, and Noble, opposed the amendment, and Messrs. Mills, Van Dyke, and Smith, supported it. Mr. Van Dyke proposed to amend the amendment, by inserting a provision that, previous to any survey being made under this act, the consent of the State in which such survey is to be made shall be obtained. Messrs. Ruggles and Benton made a few remarks on this subject. The question was then put, and decided against Mr. Van Dyke's amendment, as follows:

Yeas—Messrs. Barbour, Bell, Chandler, Elliott, Gaillard, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—15.

Nays—Messrs. Barton, Benton, Branch, Brown, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Maine, Holmes of Miss., Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of Alabama, Knight, Lloyd of Maryland, Lowrie, McIlvaine, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—28.

The question then recurred upon the amendment proposed by Mr. Smith. Upon this question Messrs. Macon, Holmes of Maine, Chandler, and Noble, made a few observations.

Mr. Chandler moved to amend the amendment by striking out the word "admit," and inserting in its stead the word "deny," so that it should read "that nothing herein contained shall be taken to affirm or deny the power of Congress, on their own authority, to make roads and canals in any State of the Union." This amendment was discussed by Messrs. Taylor of Virginia, Brown, and Hayne. The question was put, and decided in the negative—ayes 10, noes 36, as follows:

Yeas—Messrs. Barton, Brown, Hayne, Josiah S. Johnston, Kelly, Lloyd of Massachusetts, Ruggles, Seymour, Talbot, and Williams.

Nays—Messrs. Barbour, Bell, Benton, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware.

The question upon the amendment, as proposed by Mr. Smith, was then put, and decided in the negative, as follows:

Yeas—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

Nays—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—25.

Mr. Hayne then moved to postpone the further consideration of the bill until Tuesday next. This was not agreed to.

Mr. Lloyd, of Massachusetts, stated the grounds upon which he should vote for the bill—he did not consider it as involving the question upon the Constitutional right of Congress to make public improvements—but merely as a means of obtaining information, which might be of great importance to the Government.

Mr. Macon explained the reasons why he should vote against the bill. He could not believe that this bill was clear from the Constitutional objection, which he thought very forcible and unanswerable, and he proceeded to advance other considerations against the bill.

Mr. Holmes, of Maine, then proposed to amend the bill, by inserting a clause as follows:

"*Provided*, and the faith of the United States is hereby pledged, that no money shall be expended for roads or canals, except it be among the several States, and in the same proportion as direct taxes are laid and assessed, under the provisions of the Constitution."

Messrs. Lloyd of Maryland, Noble, and Talbot, opposed the adoption of this amendment, and Messrs. Holmes of Maine and Branch advocated it.

The question on the amendment was taken, and decided in the negative, as follows:

Yeas—Messrs. Barbour, Bell, Branch, Chandler, D'Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of New York, Knight, Lanman, Lloyd of Massachusetts, Macon, Mills, Palmer, Taylor of Virginia, Van Buren, and Ware—19.

Nays—Messrs. Barton, Benton, Brown, Clayton, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke, and Williams—27.

Mr. Chandler proposed an amendment, which was not concurred in by the Senate.

Messrs. Findlay, Mills, and Lloyd of Maryland, made a few further remarks upon the subject.

The bill was then reported to the Senate without amendment. On ordering it to a third reading, the yeas and nays were as follows:

Yeas—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

Nays—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, King of New York, Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

So the bill was ordered to a third reading.

SATURDAY, April 24.

The PRESIDENT communicated a report from the Secretary of War, complying with a resolution of the Senate, of the 21st instant, respecting the number of arms furnished the United States by the State of South Carolina, during the late war. The report was read, and referred to the Committee on Military Affairs.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act to amend the several acts for imposing duties on imports," reported the same with amendments; which were read. He also laid on the table a statement of the present duties on imports, compared with those proposed by the last mentioned bill. The amendments and statement were ordered to be printed.

Mr. DICKERSON gave notice that he would, on Tuesday next, call for the consideration of said bill.

Mr. HENRY JOHNSON submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing by law for the adjustment, upon equitable principles, of the claims of Colonel John Smith, of Louisiana, against the United States, for moneys paid the troops of the United States by his deceased son, A. Smith, in his lifetime, during the late war.

The four bills yesterday brought up from the House of Representatives for concurrence, were severally read twice, by unanimous consent; and the bill, entitled "An act supplementary to an act, approved on the third day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices;" the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas;" and the bill, entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same," were severally referred to the Committee on Public Lands.

The bill, entitled "An act making appropriations for certain fortifications of the United States for the year 1824," was referred to the Committee on Finance.

On motion, by Mr. TALBOT, the Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Monday next.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the bill, reported by the Committee on the Judiciary, "further to amend the judiciary system of the United States, and to establish the circuit courts;" together with an amendment proposed thereto by Mr. JOHNSON, of Kentucky. Mr. BRANCH was called to the Chair. After the reading of the bill and amendment, the subject was postponed to Monday next.

Mr. JACKSON, from the joint committee of both Houses, appointed to examine and report upon the business necessary to be acted upon at the present session of Congress, and at what time the session may be closed, submitted a report in part. The committee report a schedule of the business which, in their opinion, ought to be acted upon previous to the adjournment of Congress. The report was read, and laid upon the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Mary James;" "An act to alter the judicial districts of Pennsylvania, and for other purposes;" "An act for the relief of Isaac Collyer, and others;" "An act for the relief of Alvin Bronson;" "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" "An act to authorize masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg, or that of Richmond;" and "An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;" in which bills they request the concurrence of the Senate.

The bill "supplementary to an act, entitled 'An act to incorporate the company for making certain turnpike roads in the District of Columbia," and the bill "explanatory of an act confirming claims to lots in the town of Mobile," were severally read the third time, passed, and sent to the other House for concurrence.

The bill which originated in the Senate, "to provide for the settlement of certain pecuniary claims against the United States," was read the third time.

Messrs. TAYLOR, of Virginia, and BARBOUR, advocated the passage of this bill, and Messrs. H. JOHNSON, of Louisiana, RUGGLES, LANMAN, and TALBOT, opposed it. The question, "Shall the bill pass?" was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Brown, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Kelly, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke—19.

NAYS—Messrs. Bell, Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Knight, Lanman, Lowrie, Mills, Noble, Palmer, Ruggles, Seymour, Talbot, Thomas, Ware, and Williams—25.

The bill from the other House, "to procure the necessary surveys for roads and canals," was read the third time. The question on its final passage was decided by yeas and nays, as follows:

YEAS—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—24.

Nays—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, and Van Dyke—18.

So the bill was passed.

DELAWARE CANAL COMPANY.

Mr. Van Dyke, from the select Committee on Roads and Canals to whom was referred the memorial of the President and Directors of the Delaware Canal Company, requesting the aid of the Government in their undertaking, submitted a report on that subject; accompanied by a bill "authorizing the subscription to the stock of the Delaware Canal Company." The bill was read, and passed to a second reading; and the report was ordered to be printed.

The report is as follows:

The Chesapeake and Delaware Canal Company was duly incorporated, some years since, by acts of the Legislatures of Delaware and Maryland, respectively. The capital stock is divided into shares of two hundred dollars. The maximum cost of the whole work is estimated at the sum of one million three hundred and fifty-four thousand three hundred and sixty-four dollars and sixty-four cents, and the amount of funds at present pledged for its execution may be assumed at seven hundred thousand dollars. The present condition of the company, and the route of the canal lately determined upon and fixed by the Board of Directors, with the aid of engineers of distinguished reputation and skill, are set forth in the annexed document, signed by the President and Secretary of the said Company, dated "March 27, 1824," marked A, and the report of the engineers, marked B, to which the committee refer as part of this report. The whole length of the canal will not exceed fourteen miles. The Board of Directors have made advantageous contracts for the completion of the eastern half of the canal, and the contractors have begun the work. Under these circumstances, the memorialists pray such aid as Congress, in its wisdom, may deem proper to grant.

The importance and utility of roads and canals, to facilitate and increase commercial intercourse among the several States of our widely extended Republic, have been so fully and ably represented in several reports, heretofore made to Congress, that it is thought unnecessary to enlarge further upon the subject.

The committee view the proposed canal as a work of great national importance, not only as one link in the chain of inland navigation along our seaboard, which has been for many years contemplated, but also as it will furnish to the Government, in time of war, great advantages in a more expeditious and cheap conveyance of troops and munitions of war across the peninsula between the Chesapeake and Delaware bays, the want of which was severely felt during our late hostilities with Great Britain. Under this impression, the committee deem the said canal worthy of the attention and patronage of Congress. The company being incorporated and organized, it is believed a subscription, on the part of the United States, for a certain number of shares of the capital stock, would encourage and insure the completion of the work, without infringing any principle of the Constitution, and without incurring any loss to the Government. The committee, therefore, report a bill authorizing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for —— shares of the capital stock of the Chesapeake and Delaware Canal Company.

ALABAMA CONSTITUTION.

On motion of Mr. King, of Alabama, the bill reported by the Committee on the Judiciary, "to repeal, in part, an act to authorize the Territory of Alabama to form a constitution, and establish a State government," was taken up for consideration. This bill proposes to repeal that part of the act in question, which respects the navigation of the waters of the State of Alabama. Mr. King moved to amend the bill, by striking out all but the enacting clause, and substituting another bill, merely giving the assent of Congress, to two acts of the Legislature of the State of Alabama, respecting tolls to be exacted on certain waters within that State, upon which improvements are intended. He remarked, at the same time, that, as objections had been made to the bill, as reported by the committee, he was willing to waive the subject for the present, but he wished to be understood as not giving up the ground, that the State had a Constitutional right to prescribe rules for the navigation of her own waters; and he should certainly bring the subject before the next session of Congress—but, at present, he only hoped that Congress would give its assent to the two laws in question, in order that the State might proceed in certain contemplated improvements in her navigable waters, as specified in those acts. Some discussion took place between Messrs. King, of Alabama, Holmes, of Maine, and Talbot. Mr. King then withdrew his amendment, and the question occurred on the original bill.

Mr. Josiah S. Johnston, of Louisiana, stated the general provisions by which the navigation of the Western waters is regulated.

Mr. Kelly explained the facts connected with this request, on the part of Alabama, that she may be permitted to proceed in improving the navigation of the State. He stated the objects which were contemplated by these acts of the Legislature of that State, and which she did not wish to carry into effect while a single doubt remained of her Constitutional right to do so. He renewed the amendment, which had been offered, and withdrawn, by his colleague.

Mr. Holmes, of Maine, then moved to amend the amendment, by inserting a provision, that this act shall not be understood as giving to the State of Alabama any right not belonging to any of the original States in the Union.

Mr. Lowrie was in favor of passing the bill, offered as an amendment by the gentleman from Alabama, and did not see the necessity of the proviso submitted by the gentleman from Maine.

Mr. Chandler thought the amendment offered by the gentleman from Alabama involved the whole question of the repeal of that part of the act for the admission of Alabama into the Union, which imposes the restrictions upon her navigable waters.

Mr. **Barton** was not willing to repeal that part of the act in question, so far as related to the natural waters of that State, but he thought the State ought to have the power to regulate the navigation of her artificial waters.

Mr. J. S. **Johnston**, of Louisiana, made some further observations, in opposition to the amendment proposed by Mr. **Holmes**. Mr. H. then withdrew his amendment.

Messrs. **Holmes**, of Maine, J. S. **Johnston**, of Louisiana, and **Macon**, made a few brief remarks. The amendment proposed by Mr. **Kelly** was then agreed to.

The bill was then ordered to be engrossed, and read the third time.

Monday, April 26.

Mr. **King**, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting to the counties or parishes, of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same," reported it without amendment.

On motion, by Mr. **Brown**, the select Committee on Roads and Canals were discharged from the consideration of the petition of Lewis A. Tarascon, and others.

The seven bills brought up on Saturday from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Mary James," was referred to the Committee on Military Affairs.

The bill, entitled "An act to alter the judicial districts of Pennsylvania, and for other purposes;" and the bill, entitled "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes," were severally referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Alvin Bronson," was referred to the Committee of Claims.

The bill, entitled "An act for the relief of Isaac Collyer, and others;" the bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg or that of Richmond;" and the bill, entitled "An act to allow the bounty to vessels employed in the cod fisheries in certain cases;" were severally referred to the Committee on Commerce and Manufactures.

The bill authorizing the subscription of stock in the Chesapeake and Delaware Canal Company was read the second time.

The Senate proceeded to consider the motion of the 24th instant, instructing the Committee of Claims to inquire into the expediency of allowing the claim of Colonel John Smith, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act releasing the owners of the ship General Jackson from the payment of certain duties;" "An act for the relief of Arthur H. Henly;" "An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" "An act authorizing the issuing certain debentures to Barnard Thooft;" "An act for the relief of William N. Earle;" "An act for the relief of William Blagrove;" "An act for the relief of Joseph Wheaton;" "An act for the relief of John Thomas & Co.;" "An act for the relief of the assignees and legal representatives of John H. Piatt;" "An act for the relief of David Giffin and Samuel Hoag;" "An act for the relief of the representatives of Joseph Mims, deceased;" "An act for the relief of George B. R. Gove;" in which bills they request the concurrence of the Senate.

The twelve bills last brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill entitled "An act for the relief of Arthur H. Henly;" the bill, entitled "An act for the relief of William N. Earle;" the bill entitled "An act for the relief of David Giffin and Samuel Hoag;" the bill entitled "An act for the relief of the representatives of Joseph Mims, deceased, the bill entitled "An act for the relief of John Thomas & Co.;" and the bill for the relief of Joseph Wheaton; were severally referred to the Committee of Claims.

The bill entitled "An act authorizing the issuing of certain debentures to Bernard Thooft;" the bill entitled "An act releasing the owners of the ship General Jackson from the payment of certain duties;" and the bill entitled "An act for the relief of George B. R. Gove," were severally referred to the Committee on Finance.

The bill entitled "An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" the bill entitled "An act for the relief of William Blagrove;" and the bill entitled "An act for the relief of the assignees and legal representatives of John H. Piatt," were severally referred to the Committee on the Judiciary.

The bill "to repeal, in part, an act to authorize the Territory of Alabama to form a constitution and establish a State government," was read the third time, and passed. On motion of Mr. **Lanman**, the title was altered, in order to render it more conformable to the bill, as amended. It is now entitled "An act to grant the assent of Congress to an act of the Legislature of the State of Alabama."

JUDICIARY SYSTEM.

The bill reported by the Committee on the Judiciary, "further to amend the judiciary system of the United States, and to provide for the holding of the Circuit Courts," together with the amendment proposed by Mr. **Johnson**, of Kentucky, was taken up for consideration, in Committee of the Whole, Mr. **Gaillard** in the Chair. This bill provides that two sessions of the Supreme Court shall be held at Washington, annually—that the Judges of the Supreme Court shall be relieved from the duty of holding the Circuit Courts—that the United States shall be divided into ten districts, in each of which, courts shall be holden by District Judges, with the same powers and duties as are now exercised and performed by the Circuit Courts.

Mr. Johnson's amendment is an entire new bill, and provides that there shall be three additional Circuit Courts; that the Supreme Court shall consist of a Chief Justice and nine Associate Justices; and that the concurrent opinion of seven Judges of the Supreme Court, (each Judge to deliver his opinion separately,) shall be required to invalidate any law of any of the States. The amendment was somewhat modified on motion of Mr. Talbot.

Mr. Johnson, of Kentucky, stated the objects of his amendment. His plan was to extend the circuit system to all the Western States, upon the same principles that it rests upon in the other States. He spoke against the bill reported by the committee, as doing away the intimate and highly important connexion between the Supreme Court and the several District Courts.

Mr. Van Buren opposed the amendment, and stated the views of the committee in reporting the bill. He explained the difference between the present system and that proposed by the bill; and adverted to the absolute necessity, ere long, of some change in the judiciary system. He recapitulated the number of causes which had come before the Supreme Court, and been put off for want of time; and remarked that the proper administration of justice called loudly for some change. He also explained the propriety of some amendment, in regard to the Circuit Courts.

Mr. Talbot addressed the Senate on the subject. He spoke of the great importance of the organization of the Judiciary. He advocated an increase of the number of Judges of the Supreme Court, as necessary to a fair and well-defined administration of justice. He believed there would be ample time for the decision of every cause before the Supreme Court, with some alteration of the terms of the Circuit Courts. He alluded to the great vexation and distress which had been experienced under the present system. Mr. T. spoke of evils which he apprehended would grow out of a separation of the Supreme and Circuit Courts, as leading to a too near connexion of the Judges of the Supreme Court with the other branches of the Government, and taking away their chief means of becoming acquainted with the various local laws and usages, and the judicial decisions, of the several States. He thought the present number of Judges of the Supreme Court to be too small for the proper administration of justice over such an extensive country, with so many various and conflicting interests. Mr. T. believed the amendment, proposed by his honorable colleague, much preferable to the bill reported by the committee. He thought the jurisdiction of the Circuit Court ought not to be given to the district judges. The salaries that had been given to them had not always brought men of the first legal talents into the office of district judge; and he feared that, in many instances, they would not be competent to the performance of the duties. The system proposed by the bill was unjust and unequal in respect to the Western States, and would not be submitted to. It was a great measure, making a radical change in the judiciary system; and it could not be expected that it would be adopted at the present session. It did not meet the wishes of the Western States; it did not extend to them equal advantages in the circuit court system, and it was altogether inadequate to remedy the evils now experienced. Mr. T. hoped that Congress would, at its present session, do something to relieve the people in his part of the country from the evils they were suffering in this respect.

Mr. H. Johnson, of Louisiana, submitted a few remarks on the subject; he was favorable to the plan suggested by the amendment proposed by the gentleman from Kentucky—he thought the business of the Supreme Court might be transacted by changing the terms of the Circuit Courts. He replied to the objections which had been advanced against the proposed amendment. Mr. J. said he could never consent to the system reported by the Judiciary Committee.

Mr. Brown opposed the bill reported by the committee, and was in favor of the amendment.

Mr. Van Buren wished the gentleman from Kentucky to separate the last section of his amendment, which respects the opinions of the court on questions involving the laws of the States—as that was a question distinct from the rest of his proposition.

Mr. Johnson assented to the course suggested by the gentleman from New York, and accordingly withdrew the last section of his amendment.

Mr. Hayne was opposed to the principle contained in the bill reported by the committee, which confines the Supreme Court to appellate jurisdiction—he thought the judges ought to perform circuit duties—that they ought not to be disconnected from the people; he was prepared for an increase of the number of judges, provided the business of the country required it. He said that the number of judges who exercised appellate jurisdiction in South Carolina was twelve; five in equity, and seven in law, each of whom performed circuit duties; and he thought there could be no great danger to the country from an increased number of judges of the Supreme Court of the United States.

Mr. Van Buren replied to the arguments advanced in favor of the amendment, and Messrs. Johnson, of Kentucky, and Talbot, made a few further remarks.

Mr. Barbour moved the postponement of the subject till to-morrow. He thought the importance of the subject demanded the most mature consideration, as it would be much more easy to adopt than to get rid of any new judiciary system which might be adopted.

Messrs. Johnson, of Kentucky, and Talbot, opposed, and Messrs. Lanman and Taylor, of Virginia, spoke in favor of postponement.

Mr. H. JOHNSON, of Louisiana, submitted a new bill, as a substitute for the one now before the Senate. It provides for the etsablishment of a regular and uniform circuit court system, entirely distinct from the Supreme Court. Mr. J. stated that he was in favor of the amendment offered by the honorable member from Kentucky, and he only offered this proposition to the consideration of the Senate in case that of the gentleman from Kentucky should be rejected.

Mr. BARBOUR varied his motion, and the bill and amendments were ordered to lie on the table.

TUESDAY, April 27.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill entitled "An act for the relief of George B. R. Gove," the bill entitled "An act releasing the owners of the ship General Jackson from the payment of certain duties;" and the bill entitled "An act authorizing the issuing of certain debentures to Bernard Thooft," reported them severally without amendment.

The PRESIDENT communicated a report of the Secretary of War, showing how far the act for the relief of Nimrod Farrow, Richard Harris, and their securities, has been executed; made in obedience to a resolution of the Senate of the twenty-third instant. The report was read, and referred to the Committee of Claims.

Mr. BENTON, from the Committee on Indian Affairs, laid on the table sundry documents, on the subject of acts of hostility from the Indians on the Mississippi towards American traders; and, on motion, they were ordered to be printed, for the use of the Senate.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, laid on the table statements from the Treasury, exhibiting the value of imported merchandise, praying a specific duty, and an ad valorem duty; and, on motion, they were ordered to be printed for the use of the Senate.

Mr. BENTON gave notice that he would, to-morrow, ask leave to bring in a bill to sell and dispose of the refuse lands of the United States.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Anna Dubord, wife of Joseph Antonio de Reano, reported a bill to permit Anna Dubord to bring certain slaves into the State of Louisiana; which was read, and passed to a second reading.

The Senate proceeded to consider the bill, entitled "An act to amend the several acts for imposing duties on imports;" and, on motion, it was postponed till to-morrow.

On motion, by Mr. JACKSON, the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of Mary James;" were discharged from the consideration thereof; and it was referred to the Committee on Pensions.

A message from the House of Representatives informed the Senate that the House have passed the following bills, viz: A bill, entitled "An act to authorize the President to exchange five arpents of land on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;" a bill, entitled "An act for the relief of Robert S. Foreman;" and a bill, entitled "An act for the relief of William T. Nimmo;" in which bills they request the concurrence of the Senate.

The said three bills were severally read twice, by unanimous consent, and the first mentioned bill was referred to the Committee on Military Affairs; the second mentioned bill was referred to the Committee on Public Lands; and the last mentioned bill was referred to the Committee of Claims.

NAVY APPROPRIATIONS.

Mr. LLOYD, of Massachusetts, from the managers on the part of the Senate, at the conference on the amendment of the Senate, disagreed to by the House of Representatives, to the bill entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," reported:

That, having met the managers on the part of the House of Representatives, they have agreed to recommend—

That the Senate recede from their amendment to strike out the specifications for contingent expenses, and that the bill be amended as follows:

Insert, after the words "contingent expenses," in the 20th line, "accruing in the present year."

Line 42. After the word "service," insert "for per diem allowance to officers engaged in extra service, beyond the limit of their stations; for the purchase and repairs of steam and fire engines, and machinery; for expenses of burying deceased persons belonging to the navy; for taxes on navy yards and public property; and for accidents to the public vessels."

Line 43. After "whatever," strike out "one hundred and eighty thousand dollars," and insert "one hundred and ninety-five thousand dollars."

And also insert, "for contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars."

The Senate proceeded to consider the report, and concurred therein, and the bill was amended accordingly.

FORTIFICATION BILL.

On motion of Mr. SMITH, the bill from the other House, "making appropriations for the fortifications of the United States, for the year 1824," was taken up for consideration, in Committee of the Whole, Mr. VAN DYKE in the Chair.

Mr. SMITH stated, that the bill was in accordance with the estimates from the War Department, of the amount required for the fortifications during the next year; and he proceeded to show the grounds upon which those estimates were predicated.

Mr. RUGGLES said, he observed an appropriation in this bill for two new forts. He requested information in regard to the expense of the completion of these forts. He was not opposed to this appropriation, but wished to know the probable cost of the forts.

Mr. SMITH explained, and gave the information required.

Mr. CHANDLER thought the Government had enough to do to complete the fortifications which had already been commenced. He, therefore, moved to amend the bill by striking out so much of it as provides for the commencement of the two new forts.

Mr. HOLMES, of Maine, spoke of the general inaccuracy of estimates for fortifications; he thought the forts already constructed in Narragansett bay, were sufficient for protection; they had been found to be so during the late war, and he believed the Government ought not to commence such a great undertaking at present, as the construction of the fort on that bay.

The question was divided, and put first on striking out the appropriation for a new fortification at New York.

Mr. J. S. JOHNSTON, of Louisiana, was opposed to striking out this appropriation; he adverted to the policy of this Government, in regard to the defence of the country; he thought it of the first importance that New York should be protected, as being a very rich and valuable part of the country, and the first object of attack from a politic enemy; he was opposed to any interference with the plans proposed by the War Department, in regard to the fortifications; and hoped the appropriation would not be stricken out.

Mr. KING, of New York, said the contemplated work was no new one; it was for the protection of the Narrows, at New York. If this fort was not built, the work already established would be of very little or no importance. He said this was the only work that could be constructed for the defence of New York, and the city would be without proper defence if it was not done. Mr. K. called for the yeas and nays on the question.

Mr. RUGGLES said he should never object to the construction of any fortification which was required for the defence of the citizens or the commerce of the Atlantic States. He believed this fort, from the information he had obtained, was necessary. He spoke of the generous and liberal feelings which had been manifested by the gentleman from New York, in relation to the purchasers of public lands, and in other instances, and he thought the like liberality ought to be extended to him. Mr. R. only doubted whether the present was the best time to commence this work. He wished for some further information.

Mr. CHANDLER thought the present fortifications, with the force which could always be commanded at New York, was sufficient for the defence of the city, and he was not willing to vote any further appropriation for its defence.

Mr. KING, of New York, replied to the remarks of the gentleman from Maine.

Mr. SMITH made a few remarks in favor of the appropriation.

Mr. LOWRIE thought there could be but one opinion on this subject, if it were properly understood. He conceived this fortification to be highly necessary to the defence of New York. He only doubted as to the extent to which it ought to be carried. He rather thought the plan for this fort was too extensive.

Mr. SMITH gave some explanation, in answer to Mr. LOWRIE.

Mr. MACON wished to know the cost of this fortification, the number of men that would be required for it, &c. He did not wish to build a house without knowing the cost of it. He was aware of the importance of the city of New York, but there were other places that required protection, also, in time of war.

The question was then put, on striking out the appropriation for the fortification at New York, and decided in the negative—yeas 4, nays 34, as follows:

YEAS—Messrs. Branch, Chandler, Holmes of Maine, and Macon.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, Clayton, D'Wolf, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Thomas, Van Buren, and Van Dyke.

The question was then on striking out the appropriation for the fortification on Narragansett bay.

Mr. SMITH spoke against striking out. The importance of this point, as a place of resort for our Navy, was exceeded by none in the Union. He was surprised that it had not received the attention of the Government before.

Mr. KNIGHT read the report from the Engineer department, showing the importance of fortifying this bay. He replied to the observations of the gentleman from Maine, (Mr. HOLMES,) and went on to show the necessity of this fortification.

Mr. D'WOLF rose in opposition to the motion before the Senate; he said he was intimately acquainted with the waters of Narragansett bay, and he knew of no point in the country where fortifications would be more advantageous to the nation, as furnishing a means of protection to the people, and a place of safety to our commerce in time of war. Mr. D'W. explained the position on which it was contemplated to erect this fort, and the advantages that would result from its erection, as one of the most eligible maritime situations in the country, and as more susceptible of defence than almost any other.

Mr. CHANDLER withdrew his motion to strike out this appropriation.

The bill was then reported to the Senate, without amendment, and passed, to be read a third time.

On motion of Mr. SMITH, and by general consent, the bill had its third reading, and was passed.

WEDNESDAY, April 28.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Joseph Wheaton," reported it without amendment.

Mr. BARTON, from the Committee on Public

Lands, to whom was referred the bill, entitled "An act for the relief of Robert S. Foreman," reported it without amendment.

He also reported the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course in the State of Mississippi or Territory of Arkansas," with an amendment.

Mr. NOBLE, from the Committee on Pensions, reported the bill from the other House, "for the relief of Mary James," without amendment. Mr. N. stated that the committee had instructed him to move the indefinite postponement of the bill, when it came up for consideration.

Mr. BELL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of David Giffin and Samuel Hoag," reported the same without amendment.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out, either at the custom-house of Petersburg, or that of Richmond," reported the same, with an amendment.

The following written Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In conformity with a resolution of the Senate, of the 19th instant, requesting information whether the Executive, through the agency of the War Department, borrowed any money during the late war, under the condition of applying the same to the defence of the State wherein the said loans were made, to what amount, and whether interest was paid by the United States for such loans, &c.; I herewith transmit a report from the Secretary of War, containing all the information in that Department in relation to the resolution.

JAMES MONROE.

APRIL 27, 1824.

The Message and accompanying documents were read, and ordered to be printed for the use of the Senate.

The bill to permit Anna Dubord to bring certain slaves into the State of Louisiana, was read the second time.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the petition of John Vanderlyn, reported a bill to authorize the painting of the battle of New Orleans by John Vanderlyn; which was read, and passed to a second reading.

On motion by Mr. LLOYD, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill in addition to an act establishing navy hospitals; and, on motion, it was postponed to Saturday next.

Mr. H. JOHNSON submitted the following motion for consideration:

Resolved, That the Postmaster General be directed to report to the Senate, at their next session, the nearest practicable post route from New Orleans to Washington City.

On motion of Mr. JOHNSON, of Kentucky, the Senate resumed, as in Committee of the Whole, the bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and, on motion, it was postponed to Saturday next.

Mr. SEYMOUR presented the petition of Pliny Moore, and others, owners and occupants of mills on the frontier of the State of New York, bordering on the Canada line, praying that persons residing on the Canada side may be exempted from the payment of the duty imposed on certain articles, when transported to said mills to be manufactured. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. McILVAINE, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of the representatives of Joseph Mims, deceased," and the bill, entitled "An act for the relief of Arthur N. Henly," reported them, severally, without amendment.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of the legal representatives of John Louderman;" "An act for the relief of Joseph Marechal;" "An act for the relief of Joseph Smith, of Alexandria;" "An act for the relief of Stephen Brace;" "An act for the relief of the legal representatives of Charles Bradford;" "An act for the relief of Thomas Williams;" "An act for the relief of Nathaniel Jones;" "An act for the relief of Benjamin Desobry;" "An act for the relief of Jonas Duncan;" "An act for the relief of John Wilmot;" "An act for the relief of Malachi Burns;" "An act for the relief of John Holliday;" "An act for the relief of Elliott Rucker;" "An act for the relief of William Hall, an invalid soldier of the Revolutionary Army;" "An act for the relief of Joshua Bennett;" "An act for the relief of Lemuel Arms;" "An act for the relief of Mareen Duval;" "An act for the relief of Samuel Rist;" "An act for the relief of the representative of Elijah Brush;" "An act to provide for repaying to Bazaleel Wells a certain sum of money by him erroneously paid into the Treasury;" and "An act for the relief of Charles Humphrey;" in which bills they request the concurrence of the Senate.

REFUSE LANDS.

In pursuance of notice given yesterday, Mr. BENTON asked leave to introduce the following bill:

A bill to sell and dispose of the refuse lands belonging to the United States.

Be it enacted, &c., That the lands belonging to the United States, which have been heretofore, or shall be hereafter offered at public sale, and shall remain five years thereafter without being sold at the minimum price of one dollar twenty-five cents per acre, shall be again offered at public sale, but shall not be sold for a less sum than fifty cents per acre.

SEC. 2. *And be it further enacted,* That any head of a family, or young man above twenty-one years of age, or widow, being citizens of the United States, may demand and receive from the register and receiver of the proper land office a written permission to take possession of, and settle upon, any half quarter

section of land which shall remain unsold, after having being offered for sale at the minimum price of fifty cents per acre, and upon inhabiting and cultivating the same for three successive years, shall be entitled to receive a patent therefor, as a donation from the United States.

SEC. 3. ***And be it further enacted,*** **That the lands which shall remain unsold, after having been offered for sale at the minimum price of fifty cents per acre, may be sold at private sale for that sum, at any time before permission shall have been granted to settle on the same.**

In asking leave to introduce this bill, Mr. BENTON said, this was not the time to discuss it—probably the time would not come during the present session. In that event, what was done now would operate as a notice for the next session; would turn the minds of the Senators to the changes contemplated, and would prevent the necessity of delay. He believed that a change in the manner of selling public lands was called for, both by the voice of the people and the interest of the Government. By the present rule, said Mr. B., the good and the bad land are held at the same price. The best can be got for $1 25 per acre—the worst cannot be had for less. The minimum of $1 25 per acre for all sorts of land was arbitrary and unjust. It was unjust to the people, because it prevented them from getting the inferior land at a fair price; unjust to the States, because it checked their population, and deprived them of their right of taxation; unjust to the nation, because it prevented the public Treasury from receiving the money which such land was worth, and for which it would sell. The continuance of the rule would give to the United States the fabled position of the dog and the manger. The rule should be changed. The United States is a great land seller, and she should follow the practice of all other sellers; she should apportion her price to the quality of her land. When a quarter section has been offered for years at $1 25 per acre, and nobody will give that sum, it is proof that it is not worth it, and justice to the people, the States, and the Treasury, requires that it should be offered again at a less price. The bill introduced assumes fifty cents per acre, as the second minimum at which such lands should be offered; and it proposes to give away, without price, to such poor persons as may be willing to take and cultivate them, the refuse lands which will not sell for that sum.

The leave was given to introduce the bill, which was read, and ordered to be printed.

THE TARIFF.

The Senate then proceeded to consider, in Committee of the Whole, the bill from the House of Representatives, to amend the several acts for imposing duties on imports, together with the amendments proposed thereto by the Committee on Commerce and Manufactures of the Senate.

The first question was upon agreeing to the insertion of the following proviso:

"*Provided, also,* That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of Cape Good Hope, or beyond Cape Horn, before the first of November next ensuing."

Mr. DICKERSON and Mr. LLOYD, of Massachusetts, explained the object of the amendment, and it was agreed to.

The other amendments proposed by the committee are, to change the duty on "quills," from "one dollar per thousand," and insert "twenty-five per centum, ad valorem;" to change the duty on "slates and tiles, for building," from half a cent each "to twenty-five per centum, ad valorem;" to strike out the contemplated duties on filberts, pine apples, oranges, lemons, and limes; to impose "on all window glass imported in plates, uncut," the highest rate of duties imposed by this act, on any imported window glass; to insert the following exception—"except patent adhesive felt for covering of ships' bottoms, which shall be admitted, free of duty, until June 30, 1826."

These amendments were severally explained by Messrs. DICKERSON and LLOYD, of Massachusetts; and were all agreed to by the Committee of the Whole.

Mr. MILLS then moved to amend the bill by striking out the following clause: "On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds weight."

Mr. MILLS supported his amendment at considerable length, by showing the great importance of this article to all classes of the community, from the humblest laborer up to the planter and the merchant, to the commerce and navigation, and to the manufacturer, as well as others, and commented upon the impolicy of imposing a higher duty upon an article of such absolute necessity to the country, and to produce which, in such quantities as to meet the consumption of the country, it was, as he thought, utterly incompetent.

Mr. DICKERSON said, that he was not sorry that the enemies of the tariff had selected iron as the first article of attack, because, if there is any part of the bill that will stand the test, it is this—and because the fate of the bill depends very much upon our success or failure in this particular.

The gentleman from Massachusetts (Mr. MILLS) has informed us that we ought not to lay heavy duties upon an article of indispensable necessity to us for our defence in war—an article of general use at all times, and without which we cannot even procure our food. But these are precisely the reasons in favor of protecting the manufacture of iron, of securing it to ourselves. Shall we unnecessarily depend upon foreign nations, three or four thousand miles distant from us, for articles absolutely necessary for our defence or our existence?

We have the means of making as much iron as we want for our own consumption, and as much more for exportation.

Our mountains are filled with rich veins of magnetic iron ore. The streams suitable for iron works are abundant—the mountains are covered with wood, large portions of which are unfit for cultivation.

Our immense tracts of alluvial soil, also, abound with iron ore, and wood—the advantages of which will be lost to the country if the manufacture of iron is not protected. There is no mineral so universally distributed over this country as iron; and it is believed that there is not a State in the Union, in which this article could not be found, in sufficient quantities for the consumption of the State.

The manufacture of iron in all its details, requires a great number of laborers. If protected in this country, it would draw a large population from agriculture, in which too many are engaged. This portion of our population would immediately become the purchasers and not the sellers of the produce of the soil, and thus enhance the value of real estate, and afford a better interest for capital and profit for labor employed in agriculture.

The mining districts of Europe have, for ages past, furnished the best troops that have fought their battles—need I mention Dalecarlia?

The laborious and hazardous life of the miners amidst constant explosions of gunpowder, peculiarly fit them for the hardships and dangers of war; their business is intimately connected with that of the engineering department—they are sappers and miners by profession. Those engaged in the furnaces and forges are equally hardy and laborious. During the Revolutionary as well as the late war, our best soldiers were recruited in our mining districts.

Our navigating interest has been peculiarly favored, because it affords a nursery for seamen, who may be wanted for the defence of the country. But it was more difficult, during the late war, to find soldiers for our army, than seamen for our navy.

In the manufacture of iron little is done by machinery, but nearly all by manual labor; it therefore requires more protection than the manufacture of cotton or woollen goods; yet it has received much less. Indeed, in 1816, there seemed to be a determined disposition in Congress to abandon this important branch of business to destruction. Mr. Dallas had recommended a duty of seventy-five cents per hundred weight, or fifteen dollars per ton, on hammered bar iron. Some members of the House of Representatives, who knew that our iron works could not be sustained under such a duty, made an effort to increase it; that failing, a motion was made to reduce the duty from seventy-five to forty-five cents per hundred weight, which was adopted; and which carried ruin to more than three-fourths of all the iron masters in the United States.

During the late war, we manufactured four-fifths of all the iron consumed in the United States. In 1817, we manufactured two-thirds; and in 1823, one-third of all consumed in the United States; in six years more the manufacture of iron, if no further protection shall be given, will be as completely abandoned as the manufacture of earthen ware has been since the late war, which will be an immense loss to the country; but the shipping merchants will gain the freight on fifteen or sixteen thousand tons of iron a year, at about eight dollars per ton—giving them a real profit perhaps of about three dollars per ton.

In the session of 1817-'18, to save our forges and furnaces from immediate destruction, the House of Representatives passed a bill for raising the duty on bar iron to twenty dollars per ton. In the Senate, it was reduced to fifteen dollars per ton, its present rate. This was an advance of six dollars per ton. It was then said that this duty would add six dollars per ton, on iron, to the consumer; and that it would so far prevent the importation, as to diminish the revenue on this article. But what is the fact? The price of iron has not increased from that time to this; on the contrary, it is lower now than it was then; and the importation has constantly increased, and with it, the revenue.

It is a mistake to suppose that an article must increase in price in proportion to the amount of duty put upon its importation. That would be true as to articles, not of the produce or manufacture of the country, as coffee, tea, or silks, but not so with respect to those produced or manufactured at home. When the increased duty was laid upon iron, it produced a new struggle between the foreign and domestic manufacturer for our market, and that struggle has been pursued with so much obstinacy, as absolutely to reduce the price. This has been the case with a variety of other manufactures, and will continue to be the case, until our manufacturers gain the ascendency, and then the domestic competition will keep the prices so low as to afford no more than a reasonable profit to the manufacturer. Should the duty be now increased three dollars per ton on iron, the effect will not be to increase the price of iron by that amount, for the foreign manufacturer will still struggle for our market, and give up a part of his profits rather than yield it. It will probably increase the price of iron at the rate of one dollar and fifty cents per ton, yet, if the foreign manufacturers persevere in their plan of driving our own manufacturers from our own market, they must continue to sell their iron at as low a rate as they now do, the duty notwithstanding, and this they will do till the trade shall be ruinous to themselves.

When the duty upon iron was raised to fifteen dollars per ton, it was predicted that the revenue upon this article would diminish. The reverse has been the case.

In 1817, the duties upon hammered bar iron, exclusive of the drawback, amounted to $154,315. In 1818, the first year of the increased duty, it amounted to $208,950. In 1819, to $242,394. In 1820, to $292,877. In 1821, to $230,413. In 1822, to $398,641; and in 1823, to $435,210. The whole quantity of bar iron, imported for home consumption, including the rolled bar iron, upon which the rate of duty was not altered, amounted, in 1817, to 16,839 tons; in 1818, to 16,640 tons; in 1819, to 18,755 tons; in 1820, to 22,505 tons; in 1821, to 17,654 tons; in 1822, to 29,352 tons; in 1823, to 33,787 tons. This last quantity cost us $1,829,000, besides freight and other charges. The bar iron we have imported for the last six years has cost us, upon an average, one million four hundred thousand dollars a year.

Within the last six years, we have imported, of hammered bar iron, 120,387 tons. The increased duty of six dollars per ton on that quantity amounts to $722,322, saved to the Treasury; and, as the price of iron has not raised, this increased duty has, no part of it, come from the pocket of the consumer, but has been entirely paid by the foreign manufacturer. Such has been the effect of the act of 1818, increasing the duty upon iron, and which was strenuously opposed, in part no doubt from an apprehension that it might possibly diminish the business of the importing merchant.

The quantity of rolled bar iron imported in six years, for home consumption, amounts to 17,704 tons, which, with the hammered, amounts to 138,091 tons. Suppose the whole of this sum to be manufactured in the United States; at $75 per ton, it would amount to $10,356,555, or to $1,726,092 a year, which, at the usual rate of wages in districts where iron is made, would employ at least eleven thousand laboring men, who would otherwise be principally engaged in agriculture; and these laboring men, with their families, would consume, of the produce of agriculture, to an amount of more than half a million of dollars a year, and thus, from being the competitors, become the most valuable customers of the farmers.

But suppose the whole of this iron to be imported from Russia and Sweden, as is nearly the case, who take in exchange nothing of our produce, except a small quantity of oak bark, rice, cotton, and tobacco. The whole that the iron costs us, except the price of freight, is paid to support the manufactures and the agriculture of Russia and Sweden. The freight, at eight dollars per ton, would probably give constant employment to five hundred men, and a profit on the freight, to the importing merchant, of three dollars per ton; and this trifling interest of the seaport towns, is to preponderate against the immense interest of the interior of the country.

In 1816, it was ascertained that we consumed about 50,000 tons of bar iron, annually. From the little encouragement given to any business requiring the consumption of iron, the quantity has not much increased, nor has it probably diminished—it may still be estimated at that qantity. In 1818, the quantity imported was 16,640 tons—much less than one-third of the whole amount consumed. In 1823, the quantity imported was 33,787 tons—considerably more than two-thirds of the whole consumption. During this ruinous process, by which our manufacture of iron has been thus reduced, many establishments for making iron have been abandoned, their owners ruined, and more than ten thousand laborers, engaged at those establishments, have been driven to seek other employment; they have generally resorted to agriculture, as a business by which they could at least gain a subsistence. Nothing but the greatest distress will induce men to abandon a business in which they have long been engaged, without a prospect of gaining any thing more than a bare subsistence by the change. And nothing but ruin will induce men to abandon the works in which their capital is invested, which cannot be abandoned without the loss of that capital.

As an object of revenue, none can be more fair than the duty upon iron. It would fall upon the different classes of society very much in proportion to their wealth; and iron is an article that cannot be smuggled.

But we are warned not to increase the duty upon iron, because it will increase the expense of building ships, while it will take from navigation a portion of its employment.

Why is the navigating interest to be particularly favored at the expense of agriculture and manufactures? The coasting trade is secured to our own citizens, to the entire exclusion of foreigners; and such has been the protection extended to our navigation engaged in foreign trade, that, of the tonnage engaged in that trade between us and all the world, nine-tenths is American. The merchants and ship owners are therefore enabled to levy the duties they may pay upon the construction of their ships, upon the consumer of the articles imported from abroad, and transported coastwise. From the answers of the Mercantile Society of New York, which appear in Mr. Baldwin's report of January 15th 1821, it appears that a British ship of 300 tons equipped for sea, will cost $24,000, or eighty dollars per ton; while an American ship of the same quality will cost $18,000, or sixty dollars per ton. This is an advantage that will always enable us to compete successfully with the shipping interest of Great Britain.

They state, further, that it will require four tons of iron, fifteen hundred pounds of copper bolts, four and a half tons of cordage, and twenty bolts of duck to the one hundred tons of shipping. How far will this increased duty of three dollars per ton on bar iron oppress the navigating interest? Suppose the duty should increase the price of iron to the full amount of it, (which it would not do,) this would amount to twelve dollars for a ship of one hundred tons. If she should last fifteen years, this would be a tax of eighty cents a year, and certainly would not sink the ships.

The copper used in shipping is now duty free. The shipping interest ought to be protected, but, in doing this, we should be careful not to oppress other important branches of industry.

It is said, the duty upon iron, as well as hemp, will take from navigation a portion of its employment. This is, indeed, the formidable objection to laying protecting duties upon those articles. It is an array of the small portion of our shipping, engaged in importing hemp and iron from the Baltic, which we do not want, against the great agricultural and manufacturing interests of this country, which should be employed in producing and manufacturing those articles. The freight on these articles, trifling as it comparatively is, is that to which all others must yield. This was well exemplified in the tariff bill of 1816, in which the shipping interest was particularly provided for. Hoop or slit iron is worth 20 per cent. more than it is in bars. A duty of no more than 45 cents per hundred weight, or nine dollars per ton, was imposed upon hammered bar iron, which would not prevent its importation, while a duty of fifty dollars per ton was laid upon hoop or slit iron. Iron in bars pays as much freight as in hoops or rods, and the shippers were willing to prohibit the latter, so that they might secure the freight upon the former. What is our trade to the Baltic? I will examine that with Russia—that with Sweden is nearly of the same character.

In the year ending the 30th of September 1823, we imported from Russia, to the amount of $2,191,474 in articles, nearly the whole of which we ought to produce or manufacture for ourselves. They took of our produce in exchange to the amount of $51,635, and of the produce of foreign countries to the amount of $597,099, leaving a balance against us of $1,610,043, to be paid by drafts on Holland and other places, where there might be balances in our favor. This trade, in which the Russians do not take of our produce to the amount of one fortieth part of that we take of theirs, may be very beneficial to the merchant, but is highly injurious to the country, inasmuch as we import nothing from them that we ought not to produce for ourselves; these importations, therefore have a direct tendency to check the industry of our country, which is our only means of wealth and prosperity. The great charm of this trade is, that it is almost exclusively carried on in American shipping. There is a tacit understanding between our shippers and the dealers in hemp and iron on the Baltic, that the former will sacrifice the agricultural and manufacturing interest of this country, so far as they respect these articles, provided the latter will sacrifice the shipping interests of those countries, so far as this trade is concerned, which is indeed giving up much on our part, but very little on hers. The discontinuance of this trade, however beneficial to this country, will be considered as a most serious injury to the shipping interest, as no doubt the discontinuance of the importation of bricks from Europe was nearly a century ago, of which the buildings in our cities were then constructed, and of which we have yet some specimens of Dutch houses in New York and Albany, presenting their picturesque gable ends to the streets. The discovery that we could make bricks in this country, was no doubt considered as a serious injury to the shipping interest. The proposed duty upon iron, which will amount to eighteen dollars per ton, cannot be considered as an adequate protection of this article, but it may save from destruction that portion of our iron works which still remain, but which will soon disappear if the present motion shall succeed.

Mr. HOLMES, of Maine, supported the motion to strike out this duty. He proceeded to show the unjust and partial operation upon certain classes of the community, and replied to the arguments made use of by Mr. DICKERSON.

Mr. MILLS made some further remarks in reply to Mr. DICKERSON.

Mr. LLOYD, of Massachusetts, also addressed the Senate in support of the motion of his colleague, and in answer to some of the positions taken by Mr. DICKERSON. He alluded to the advantages which the home manufacturers already possess over the importer of this article. He assigned the gratifying prosperity of our country as the principal reason that operated against the domestic production of iron. That reason was to be found in the advance price our labor bears over that of the degraded population of the part of Europe, where this article is produced; and the price of labor, he said, was a test of national prosperity. He remarked upon the encouragement which had been said, by the gentleman from New Jersey, to have been extended to the shipping interest of the country, and upon the retributive policy that would, probably, be adopted by foreign nations, if this bill were passed.

Mr. L. said that he conceived it to be the duty of the Government—it was the principle in which the Republic was founded—to encourage, as far as it could be done, the interests of the whole people—and, where there were divisions of interest, to look to the claims of the largest and most important part. He compared the relative importance to the country, of the shipping and commercial interests, and the great class of mechanics dependent on them, with the miners and makers of iron. He spoke of the embarrassments which the shipping interest already labored under, and proceeded to show that this bill, if passed, would go to impose additional, and far heavier, burdens upon them. He thought the bill ought to be rather entitled a bill to oppress the agricultural, to crush the commercial, and eventually to injure the manufacturing interests of the country; for, the reaction of the bill would probably be the most tremendous effect of it. The agricultural interest was the great and controlling interest, and when they once realized its effect, they would repeal it, and also prostrate every thing that had grown up under it.

Mr. L. spoke of the Russian trade, as one of the most advantageous which this country ever pursued. He denied, altogether, that there was a balance against us, in this trade, and proceeded to explain the course which had generally been pursued, in relation to it. If called up again, upon the bill now before the Senate, Mr. L. said, he should endeavor more fully to explain his reasons for believing that all the ideas of balances of trade against this country, founded on the custom-house returns, were the vain and visionary hallucinations of the minds of mere theorists.

Mr. DICKERSON replied to the argument that had been adduced against him. He recurred to the policy of England, in the protection of the articles of her domestic production. He denied that this duty on iron was materially to affect the commercial interest of this country; and proceeded to comment upon the nature of our trade with Russia. He denied that it was so beneficial to this country as had been contended by the gentleman from Massachusetts. He did not deny the benefits of commerce to the country; but he thought that commerce would not be injured, to any considerable extent, by this duty. He believed England was not insensible to the value of her commerce; and yet she encouraged her own manufactures. Mr. D. spoke of the bounties that had been paid, in this country, for the encouragement of the fisheries. He did not complain of this; he only wished gentlemen to recollect that some encouragement had been extended to the commercial interest. He called the attention of the Senate to the great number of petitions then on the table, both from agriculturists and manufacturers, praying the imposition of higher duties on imported iron.

Mr. **D'Wolf** spoke in favor of retaining this item in the bill. He recurred to the general features of the bill, as intended for the encouragement of our domestic industry, and leading the people to do for themselves what they want done. This article was one great branch of the whole system included in the bill, and he thought the arguments of the gentlemen opposed to the duty only went to show its propriety. The home market, Mr. D'W. considered as the most important to every nation. The balance of trade, he said, ought certainly to be taken in the aggregate. If we sell to the other nations more than we buy from them, the balance, of course, is in our favor. He denied that other nations bought of us, because we bought of them: each nation bought what it wanted, and no more.

He compared the business of a nation to that of an individual. It was alike necessary for both to keep an account of what was coming in and going out. He knew that the commercial interests were languishing, and other interests were in the same situation. The facilities extended to the importation and use of foreign articles in this country were very great. He believed the interests of every State in the Union would eventually be promoted by the passage of this bill, as encouraging the industry of the country. The bill was intended to save the labor of the country, and throw it upon its own resources. As to the effect on the revenue, he considered it a mere bugbear, as the people, in some shape or other, must pay the revenue. The means they possess to pay it are of much more importance than the manner in which it is paid.

Mr. **Holmes**, of Maine, denied, altogether, that any encouragement had been extended by the Government to the fisheries of the country. The bounty, he contended, was merely a drawback of the duty on salt.

The question on Mr. **Mills**'s motion was then put, and decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot of Indiana, Thomas, and Van Buren—23.

So the duty on iron was stricken out from the bill.

The Senate then adjourned.

THURSDAY, April 29.

Mr. **Ruggles**, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Alvin Bronson;" and the bill, entitled "An act for the relief of William T. Nimmo," reported them severally without amendment.

Mr. **Eaton** gave notice that, to-morrow, he would ask leave to bring in a bill for the relief of the heirs of John Donaldson, Stephen Hurd, and others.

Mr. **Bell**, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of John Thomas and Company," reported it without amendment.

Mr. **Benton** submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the President of the United States to cause to be selected, in separate parcels, or in sections, as much land as will amount to two of the townships heretofore granted by Congress to the State of Missouri, for the support of seminaries of learning. Also, to inquire into the expediency of granting to the town of St. Louis, and to other towns and villages in the State of Missouri, for the support of schools, the lots and pieces of ground, within such towns and villages, which may have been heretofore reserved for military purposes, and not now needed for such use.

Mr. **Van Buren**, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act to alter the judicial districts of Pennsylvania, and for other purposes;" the bill, entitled "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" the bill, entitled "An act for the relief of William Blagrove;" the bill, entitled "An act for the relief of the Corporation of the Church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" and the bill to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place, belonging to the United States; reported them, severally, with amendment.

The twenty-one bills yesterday brought up from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Stephen Brace;" the bill, entitled "An act for the relief of Mareen Duval;" the bill, entitled "An act for the relief of the representatives of Elijah Brush;" the bill, entitled "An act for the relief of Lemuel Arms;" the bill, entitled "An act for the relief of Joshua Bennett;" the bill, entitled "An act for the relief of John Holliday;" the bill, entitled "An act for the relief of Jonas Duncan;" and the bill, entitled "An act for the relief of Nathaniel Jones;" were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of Samuel Rist;" the bill, entitled "An act for the relief of William Hall, an invalid soldier of the Revolutionary army;" the bill, entitled "An act for the relief of the legal representatives of Charles Bradford;" and the bill, entitled "An act for the relief of the legal representatives of John Louderman," were severally referred to the Committee on Pensions.

The bill, entitled "An act to provide for repaying to Bazaleel Wells, a certain sum of money by him erroneously paid into the Treasury;" the bill, entitled "An act for the relief of Malachi Burns;" and the bill, entitled "An act for the relief of Thomas Williams;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Benjamin Desobry;" and the bill, entitled "An act for the relief of John Wilmot;" were severally referred to the Committee on Finance.

The bill, entitled "An act for the relief of Elliott Rucker," was referred to the Committee on the Post Office and Post Roads, to consider and report thereon.

The bill, entitled "An act for the relief of Charles Humphrey;" and the bill, entitled "An act for the relief of Joseph Marechal;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act for the relief of Joseph Smith, of Alexandria," was referred to the Committee on Naval Affairs.

The bill to authorize the painting of the battle of New Orleans, by John Vanderlyn; and the bill to sell and dispose of the refuse lands of the United States; were severally read the second time. The last mentioned bill was referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Daniel Carroll, of Duddington, and others;" "An act for the relief of Frederick Perley;" "An act for the relief of J. M. C. Montgomery;" "An act for the relief of Solomon Sibley;" "An act for the relief of Mary H. Hawkins;" "An act for the relief of Thomas L. Ogden, and others;" "An act for the relief of David Beard;" "An act for the relief of Peter Yandes;" "An act for the relief of David Cooper;" "An act for the relief of Landie Richardson;" "An act for the relief of George Fisher;" "An act for the relief of Henry Leightner;" "An act for the relief of Judah Alden;" "An act for the benefit of the Columbian Institute;" "An act for the relief of John S. Moffitt;" "An act for the relief of Robert Strain;" and, "An act for the relief of Hugh McCulloch;" in which bills they request the concurrence of the Senate.

The Senate proceeded to consider the motion of yesterday, directing the Postmaster General to report the most practicable post route from New Orleans to Washington.

Mr. JOHNSON, in explanation of the resolution, stated the importance to the State of Louisiana, and to the General Government, of a more direct post route from New Orleans to Washington City. Such a route might be established through the States of Carolina, Georgia, and Alabama, which would not exceed in extent nine hundred miles. The extent of the present route through Tennessee, he believed to be nearly fifteen hundred miles. By establishing the route alluded to, the conveyance of the mails to and from New Orleans, would be facilitated, and the expense of the Government greatly diminished.

By an act of the present session, $30,000 was appropriated to enable the President to obtain surveys of different routes through the United States, for the purpose of internal improvement.

No route could be designated more important than the one he wished established, and he was persuaded the President would apply a portion of the sum alluded to to the accomplishment of the object in view. He wished now to call the attention of the Government to this subject, and hoped the survey of the route would be immediately made, and that the report required would be laid before Congress at the commencement of the next session.

The resolution was agreed to.

THE TARIFF.

The Senate then resumed, as in Committee of the Whole, the unfinished business of yesterday, being the consideration of the bill from the House of Representatives "to amend the several acts for imposing duties on imports." Mr. KING, of Alabama, was called to the Chair.

Mr. LLOYD, of Massachusetts, moved to amend the bill by striking out the following clause: "On hemp, two cents per pound."

Mr. LLOYD addressed the Senate in support of his motion. He expressed his high estimation for the gentlemen from Kentucky, and regretted that this motion would not, probably, meet their approbation. He proceeded to show the importance of this article, and the improbability of a sufficient production to meet the demand for consumption. He portrayed the course which had been pursued in regard to the agricultural interests of the Northern States. From their former embarrassed situation they had recovered, and had now become prosperous and happy, unaided by any extraordinary assistance by way of duties from the Government. He spoke particularly of the encouragement which had already been extended to the domestic growth of hemp, and the failure to produce it in any considerable quantity. Mr. L. adverted to the causes of this failure, and the want of the natural advantage necessary to the growth of this article. Even if Kentucky could raise the article in sufficient quantities with this enormous bounty to encourage the growth, he said, the cordage made from it would come higher than that of any other part of the world where it is made.

Mr. CHANDLER said he rose to give the reasons which would govern him in giving his vote on this question. He voted yesterday against striking out the article of iron, not because he would vote for the bill as it came from the House, which he could not do, but because he was willing to give an opportunity so to amend the bill, if possible, as to make it acceptable, and so as to bear equally on the several sections of the Union, and that each section may receive equal benefits; but, to give it this effect, the bill must undergo material changes. Not only the article of hemp, but of every species of duck and cordage, and of spirits, must be stricken out, or materially altered, before he could give his vote for the bill. He should vote for striking out the article of hemp.

Mr. JOHNSON, of Kentucky, said, that the subject before the Senate involved political considerations which had, on his mind, a greater influence than the combination of all others. Domestic industry, said Mr. J., renders us independent, as to foreign nations, for the necessaries and comforts of life. It derives its greatest value from the fact that it fosters and secures the public liberty.

In vain may we look for such daring spirits to defend our invaded country as appeared on the plains of Chippewa, and seized the laurels of New Orleans, if that country be destined to remain dependent upon Powers confessedly hostile for the greater portion of what renders life convenient and honorable. In vain may we look for heroes willing to consecrate their hearts' blood to the service of their country, and for the vindication of its rights, if it must be their miserable destiny to be supplied only from foreign resources with the materials of defence.

It is high time, said Mr. J., to change the policy which we have pursued. The public voice loudly calls for it, and that voice deserves to be heard by the Representatives of the nation. We are addressed, indeed, in the ardent tone of pecuniary feeling, to allow the people to purchase merchandise where they can obtain it cheapest. Admit the propriety of this course: I feel myself at liberty, sir, to deny that the system which we have pursued has afforded us articles on the most moderate terms. Previous to the late war with Great Britain, and during the contest, our army and our navy were not only deficient in the comforts of clothing, when many of our citizens were not in a situation to construct them from the ample materials which our country supplies, but when merchandise of this description was found in our markets, the Government, as well as individuals, had to purchase them at the most extravagant prices, from four to ten times their ordinary current worth. It seems to me, sir, that we have improperly excluded from our dollar and cent calculation the effects which the policy of the late belligerent Powers of Europe produced upon our commerce and our articles of merchandise. We are now enjoying the blessings which the welcome calm of peace ever introduces. We can purchase the manufactures of Europe on terms perfectly moderate. But, alas! in correspondence with the erring tendencies of the human mind, we have forgotten British Orders in Council, French, Berlin, and Milan decrees, those interruptions of trade and confiscators of property, and are chanting ourselves to repose. We are crying peace, peace, when we know not how soon destruction may come upon us. The sound philosopher, the distinguished statesman, must not look on society in relation merely to the passing moment; his view of the interests of his country must alike involve retrospection and anticipation. Not only is he bound to promote the prosperity of the present generation—the interests of the future are confided to his charge. If such considerations be the result of sound policy, it becomes us to take into our calculation the melancholy examples which our Revolutionary struggles and the inconveniences of the late war exhibit. The losses and the sufferings of the nation, during those periods, for want of domestic manufactures, would alone furnish materials for a volume. That season of gloom and trial induced many of our enterprising citizens to invest capital to a prodigious amount in manufactures of the first necessity, and conducing to the comforts and conveniences of our countrymen. A valuable home market was created for the consumption of the productions of our soil, affording to the farmer the means of independence, and enabling him to obtain an equivalent for his labor, in the articles which he could not furnish himself.

By a return of peace those manufactories were most seriously injured. The immense capital that had been employed was rendered wholly unproductive by the inundation of the productions of foreign countries. Sir, the fact is obvious that, without adequate protection and support, our domestic fabric cannot compete with the foreign. Enterprising citizens must sustain injury, if not sink in ruin. We have an official return of a part of the capital vested in useful domestic manufactories in these United States. From this return, we find the capital employed amounts to from fifty to seventy-five millions of dollars. It is a solemn duty to inquire how far we are under obligations to our country and to the proprietors of this vast capital to avert the injury and desolation which the importing of foreign merchandise must produce.

We contend for free trade—we must have cheap purchases, and oppose all restriction upon our intercourse with foreign nations. Ruin is represented as in the train of consequences which are to follow the support of domestic manufacture. If the Powers of the earth constituted different branches of the same great commonwealth, bound together by similitude of feelings and principles, and universal peace were to attend this millenial condition of the human race, then, indeed, we might pronounce unnecessary all regulations relative to foreign commerce—all imposition of duties for the protection of home manufactures. We might then preach up the doctrines of Adam Smith, that commerce must regulate itself, and the best goods are to be gotten, at will, from the citizen and the stranger.

In this state of things our home market might be found in London or Liverpool, in Hamburg or Copenhagen, in Bremen or in Petersburg, in the East or the West Indies; as we now find it in our own happy country, in Boston or in New

York, in Philadelphia or in Baltimore, in Charleston or in New Orleans. But where is the man whose credulity can anticipate such an Utopian result? It is the policy of nations to take care of themselves, and they everywhere adopt it. What is the design of the despots of Europe in forming their *Holy Alliance*, as it has been shamelessly denominated, but the support of their tottering thrones, and the suppression of that revolutionary spirit which, like the mild influence of Spring, is spreading among the people on every side. The ambition which divided unhappy Poland, some thirty years ago, among three of the European despotic Powers, has recently assumed a more formidable shape. It may be seen in the resolute exertion to crush the republican spirit of the Neapolitans, and the reduction of ill-fated Italy to absolute slavery. The ghost of tyranny is stalking, where once a generous Empire flourished, and where the banners of liberty waved to the wind, bold and beautiful. It may be seen in the effort made by France to reduce to unconditional submission to the will of a cruel tyrant, the independent yeomanry of Spain. It may be seen in the awful calm which has succeeded these convulsions. It is the treacherous and portentous calm of the ocean before the tempestuous swell of its angry surges; it is the alarming silence of the volcano, previous to its dire and desolating eruptions. To me, it is evident, from the history of Europe, for many centuries, and from the signs of the times, that the present appearance of European peace will be succeeded by internal and sanguinary wars. No sooner shall the thrones of Europe have sufficiently secured their own power, by degrading the minds of their subjects, and destroying the spirit of independence now spreading among them—and this they will effect, without some special interference of Divine Providence, for the conflict is unequal—than like Rome, at the periods of the triumviri, some master spirits will take the lead of the rest—some Marius and Sylla, some Pompey and Cæsar, some Antony or Augustus; the Holy Alliance will dissolve as thread at the touch of flame, and the Dividers of Europe will once more convert it into a field of blood. In this state of things we shall again be harassed by unjust decrees, and by resumed Orders in Council. We shall be thrown back suddenly upon resources of our own, without preparation to meet the exigence.

Our situation, Mr. President, may become more critical than the one which I have already supposed. When the Monarchs of Europe are assembled together, do you think that we are not a subject of their holy consultations? Do you not believe that we are viewed with an eye of jealousy? Can you suppose that, were they in a situation to do so, they would not compel us to change our happy Government and to take a King, perhaps of their own nominating, to reign over us? Let us, then, look to ourselves! Let us raise and confirm a system of our own, that we may live wholly independent of foreign supply, that we may transmit to our posterity that liberty and that happiness which the best feelings and blood of our ancestors have transmitted to us. When we die, let us have the consolation that we die in the full enjoyment of civil and religious freedom—that, from the wing of our eagle not a feather has been plucked—that we have preserved the bright inheritance for generations yet unborn. The principles which I have just stated are those which have the greatest influence on my mind in favor of the tariff.

Still farther, it is my decided conviction, that, in a few years, by a competition among our own manufacturers, we shall have the various articles we may want, where we raise the raw materials, in great abundance, cheap, and of excellent quality. The good effects are already self-evident, in relation to our coarse cottons and woollens. We are furnished with the domestic fabric cheaper, and of far better, because of far more substantial quality, in consequence of the duty imposed upon the foreign importation. The same results will be produced in every branch of manufacture where the raw material springs from our productive soil. Let the period of foreign restriction and home protection arrive, we may then, in accents of joy, pronounce ourselves blessed. Our independence will then, free as the air, bright as the orb of day, deserve the sacred name. As a nation, we are yet in our infancy. Forty-seven years only have elasped since we dared to say—the colonies of America shall be free—that we would thenceforth regard the empires of the earth, in war our enemies, in peace friends. Yet, in consequence of our impoverishing policy, thousands, in different parts of our Union, are thrown out of employ, and are reduced to the necessity of starving, begging, or having their names enrolled on the poor list. Encourage domestic manufactures, and these unemployed people, whether old or young, boys or girls, will move along with songs of joy, in the ways of industry, and virtue. Sir, the moral habits, the frugality, the happiness of the people, are committed to our charge. That is a mere half-way legislation that parsimoniously, or with visionary systems, neglects them. Why should so many of our citizens be driven into the field, that, by ploughing and reaping, the home market may be glutted? Send your excess of flour and breadstuffs to England. The policy of that country will not permit you to sell these articles until the scarcity of her own crops menace her with famine. Waiting for that period, your flour is stored until it spoils on your hands. The merchant who has paid the farmer for his flour, has to wander over the seas, from port to port, to find a market. Alas! that market he too often seeks in vain. Suppose the merchant has procured, on credit, the breadstuffs which he vainly endeavors to vend or exchange in foreign ports. Unhappy man! What is his destiny? The bailiff, the dungeon, a miserable family, a broken heart, may teach us.

Notwithstanding all we know of foreign nations, and their policy, which always accords with a system of favoritism in relation to their own people, and to the direct disadvantage of foreigners, yet nothing will satisfy us but the placing of the citizen of our own country and the foreigner on an entire equality From such policy, Good Lord deliver us!

In relation to the opposition made against this tariff upon the principle that one part of our country is injured and another benefited, I, said Mr. J., have only to say, that, in my deliberate judgment, the whole is founded upon great, national, and magnanimous principles. Time will demonstate its beneficial influence in every part of the country. Sir, it will draw the people of these States into a closer union. It will teach us to depend, under the blessing of Heaven, upon our own vast resources, and will produce among the States a delightful and generous interchange of commercial intercourse. Congress alone has the power to regulate the trade of the States with each other. This duty has been deplorably neglected. It is high time that we enter upon its faithful discharge.

The difficulty of internal transportation among us has been urged as a reason why we should procure our iron, our hemp, and our merchandise, generally, from Russia, from Sweden, from Great Britain, and other foreign parts. But, sir, this is an additional argument with me to protect home industry and to facilitate intercourse among the several States. We are blessed with immense rivers, having their sources in the interior of our country, and pouring themselves into our oceans from the northern extremity of Maine to the Gulf of Mexico. These rivers, in every direction, more or less approach, and sometimes, as if to provoke us to the pursuit of our best policy, actually interlock each other. If obstructions present themselves, let us remove them. Where canals are practicable, let them be formed. Where great connecting communications are too expensive for individual States, let the Federal Government afford every facility in its power. By such a course every valley would be exalted and every mountain and hill be laid low; the crooked places would be made straight, and the rough places plain. We should feel and act more than we do, as one great people. Sir, this nation is destined to become eminent in agriculture, manufactures, and commerce. In our commercial and agricultural interests we already rank high—but a part of our population must and will pass into a manufacturing State. We are bound to afford to this class of our citizens substantial protection and aid. They must not be left to suffer and to perish. Your patronage will make their movement gradual, pleasant, and salutary. It will be the pass-word—Shibboleth—with which they will cross the waters of Jordan without impediment; it will be more; it will supply them with a pillar of cloud by day and of fire by night. Without such aid you introduce our infant manufacturers into the valley of the shadow of death.

The subject is inexhaustible. So much has been said in detail, that I do not feel myself justifiable in protracting the debate. Yet, as the motion is to strike out the article relative to the protection which should be given to hemp, I consider it due to the people whom I have the honor of representing, to claim that protection in favor of this production, which is extended to other great staples of the United States. We want no local advantages, no extravagant support, no exclusive benefits; but we wish equality of rights, and a system founded upon the broad basis of national policy. In the growth of this latter article, it is well known that Kentucky alone is not interested. Certainly, we raise it in great abundance. We could supply a large portion of the United States, had we sufficient encouragement; but many other States have soil and climate well adapted to the culture of this important staple. It has been asserted, and not contradicted, that nine-tenths of it is imported from a distance of four thousand miles from Russia; when no man can deny that we have soil in abundance, and of the proper character, for supplying the whole market of the United States. And yet, sir, shocking as is the impolicy and absurdity of the measure, we prefer the growth of Russian hemp, rather than the encouragement of our own. Sir, I shall vote against the motion to strike out the duty on foreign hemp.

It is remarkable, that we should not concur in the course which alone can give us a home market, for the consumption of a great staple of our country, when in foreign countries we either find a glutted market, or no market at all. The truth is, that we commenced a system of supporting certain branches of domestic industry soon after the organization of the Federal Government; and, in every case, the protection has excluded foreign competition. By this system, we have secured to the navigating interest the whole of the coasting trade, and almost the whole of the commerce with distant nations. The same system has excluded from our ports foreign snuffs and manufactured tobacco; giving a complete monopoly to the home market. It is admitted that 3,500,000 of our population are interested in the cultivation of the soil, for the purpose of raising bread, meat, and other articles of subsistence; yet, with few exceptions, the productions of this great portion of our people are totally excluded from the European markets. In Great Britain, as I have already stated, they are never admitted, excepting when that country is threatened with extreme want and starvation. Our great staples, flour, tobacco, cotton, rice, all find glutted markets, and breadstuffs generally no market at all. It is well known that cotton is produced in the East and West Indies, in South America, and in Egypt, and exported thence to Great Britain; and that tobacco is the growth of the Crimea, and many other countries. Sir, before I sit down, allow me most solemnly, and in the name of the sacred honor and best interests of our country, to ask you whether, while we meet with the competition which I have stated, in foreign markets, it be not our duty, and has not become high time to secure the home market to ourselves?

Mr. TAYLOR, of Virginia, replied to Mr. JOHNSON. He said the object for which our fathers fought was to free their children from tyranny and oppressive taxation. This protection of one State against another was but a plan to rob one to enrich another. In relation to the depression of the surplus of our productions in foreign markets, this bill, Mr. T. said, was no protection against it. The price of those commodities could only be fixed by competition. The best protection to cotton-growers would be to admit foreign fabrics freely, and thereby create a general demand for the article. This protection to our own articles was merely a tribute to capitalists.

Mr. VAN BUREN said that he rose for the purpose of explanation only; to reconcile his present vote with one he was prepared, and would, doubtless, be called upon to give on the question under consideration. He was in favor of increasing the duty on hemp with a view of affording protection to its cultivation in this country. He was willing to vote for a liberal but reasonable increase. The one proposed by the bill he thought was not of that character. The present duty is thirty dollars a ton, the one contained in the bill is forty-four dollars and eighty cents per ton, making an increase of nearly fifty per centum. Mr. V. B. could not think that the cultivation of the article in question required for its protection so great an increase of the duty; nor would a due regard to the other great interests of the country admit of its imposition. If, therefore the motion of his friend from Massachusetts had been to strike out the rate of increase for the purpose of reducing it to a reasonable amount, Mr. V. B. would have voted for it. But his motion was not of that character. It was to strike the duty on hemp out of the bill, to which he (Mr. V. B.) was opposed. Whilst, therefore, he would vote against striking out, he was prepared to reduce the duty contained in the bill to an amount which, in his best judgment, would be just and politic.

Mr. TALBOT, of Kentucky, addressed the Senate as follows:

I rise with much hesitation to make a few remarks on the question before the Senate, prompted by the strongest sense of its vital interest to the happiness and permanent prosperity, not only to the State whose interests I have the honor in part to represent, but to a large portion of the good people of the United States. Why the honorable gentleman from Massachusetts, who has made this motion, has chosen, through the whole course of his remarks, to represent the duty imposed on this article as a Kentucky measure—as one in which she alone was interested, I am not able to conjecture. He surely cannot be ignorant that, whatever interest the representatives of that State may have taken, or with whatever zeal or warmth they may have advocated or embraced this measure of the profoundest interest to this country, in a national point of view, that it is not the sentiment of the love we bear for our State alone, or the regard we entertain for that great and interesting section of the Union from which we come, that has dictated our opinion, or the course we have pursued, or the warm sentiments of zeal with which we advocate, or desire to see it adopted by the councils of the nation. [Here Mr. LLOYD explained, by observing that he had not, in the course of his remarks, alluded to the State of Kentucky in any other sense, or with any other view, than that of personifying that portion of the Union which was more immediately interested in the cultivation of the article under consideration.] Mr. T. proceeded: I am entirely at a loss, Mr. President, to comprehend the application of the course of remark, or the historical details in which the honorable gentleman has indulged himself, in relation to the embarrassments of the people of Massachusetts, at a period so remote as that to which he alluded, (that immediately succeeding the Revolution;) of the debts contracted; of the replevin laws, and other dilatory measures adopted by the government of that State, to suspend, evade, or delay their payment; of the insurrection of the quiet and sober people of that pious and moral State, or of the prompt and decisive measures adopted for the suppression of this insurrection, by the aid of military force, the promptness of its application, or its complete success. As the honorable gentleman has made no application of this valuable historical sketch, I shall not detain the Senate in conjectures of what might have been insinuated; leaving to the good people of Massachusetts, for their own instruction, the valuable monitory hints which the honorable gentleman may have intended to convey from this retrospect of past errors and aberrations from the path of wisdom or of duty. It is true that the State of Kentucky, with some of her sisters of the West, has, for some years past, been laboring under the pressure of great embarrassments, resulting not from a defect of industry, in the cultivation of the fertile and productive soils with which Providence, in its kindness, had provided, and in which a happy destiny, had placed them. They are to be ascribed to habits of too free and profuse expenditure, into which they had been thoughtlessly induced, by the seductive temptations held out to them by their Eastern brethren of the Atlantic commercial cities; into the purchase of their imported luxuries, and the unlimited credits with which they were indulged for the payment of them, relying on the fruits of their industry, bestowed on one of the most fertile soils on earth, blessed with the smiles of Providence for the fulfilment, with good faith, of engagements thus imprudently made. These engagements would have been as faithfully fulfilled had the providence and wisdom of the councils of the nation interposed in furnishing protection; and, by that protection, afforded markets for the productive fruits of their industry and their labor.

This is but a faint and feeble sketch, Mr. President, of the general and leading causes which have led, within the few latter years of our history, not only to the embarrassments and distresses of the Western, but almost of every other portion of the interior sections of the Union, (the great mercantile cities of our Atlantic seacoast excepted.) And, in this distress, with the progressive depreciation in the price of property of all descriptions, resulting from the want of a sound circulating medium, and the deficiency of foreign markets for the agricultural productions of the industry of the country, is the wisdom, as well as the justice, of the councils of the nation, invoked by a much suffering community, for some measure of redress for such accumulated evils. And is there none within the competency of legislation to afford? Can, or will the General Government afford no adequate relief, by the extension of protecting duties on the importation of the productions of agriculture and the manufacturing industry of foreign nations to the distresses of our own? To these questions, the opponents of this bill, the advocates of the present motion, give an unqualified and unhesitating negative. Nay, they argue most strenuously against all impositions of duties on importations, laid with a view, or on the principle, of the protection of our domestic industry. Arguments, embracing within the scope of their operation and tendency, not only the increased duties proposed by the present bill, but all other duties which can be proposed, or which have heretofore, at any period been imposed with a view to such protection; with what propriety or consistency, a brief sketch, a hasty glance at such duties as have been imposed with this view, will be apparent.

Among the most prominent of the articles of agricultural growth, which, at the very commencement of our present Government, under our happy Constitution, received this Governmental aid, are those of cotton, the manufactures of tobacco and sugar—the last of which articles, although not grown at the period of the adoption of this duty, and therefore not within the scope of that protection intended to be afforded to the others, has, in effect, received all that protection and fostering care of the Government in the perpetuation of this duty, which it could have done had it been within the view of the policy which dictated those duties on cotton and tobacco. The continuance of such duty since the period of its adoption, with so much success to a portion of our acquired territory of Louisiana, is founded upon the same considerations of a wise and enlightened policy, which gave birth to the coequal imposition on those of tobacco and cotton, and entitles the other portions of the community, who do not participate in this rich and valuable production, to ask and expect from the growers of this, with the other enumerated articles, the same return of reciprocal good will, and a participation in the same advantages, by an extension of adequate protection in the cultivation of other agricultural productions peculiar to the other portions of our extensive and diversified soils and climates. That there is great distress prevailing in the agricultural classes of society, not only of the interior and Western States, but even in those of the Southern, heretofore engaged in a most profitable cultivation; that the foreign markets are glutted with the article of cotton, the result of which has been a continued and alarming depression in the price of this article; that the increased production of cotton, by its successful introduction in the Brazils, and in other portions of the recently emancipated provinces of South America, the luxuriant fertility of which, combined with the more auspicious and favored climates of our globe, by increasing the competition amongst the growers of this valuable staple in these States, tends not only to diminish the profits of our cultivation, by increased competition in the markets, but so to overstock it as to annihilate entirely the profits of the cultivation, to draw us from the cultivation, and to overwhelm, in irremediable ruin, those portions of our population whose prosperity essentially depends upon this staple article.

If these facts are recognised on all sides, and acknowledged by these cultivators themselves, the violent opposers of this bill, does it not behoove them to pause, and consider well whether they themselves have not a common interest with every portion of this Union in the encouragement of domestic manufactures, to increase and extend the home market for this staple article, by which the domestic consumption of the country will increase and extend, not only the domestic manufacture, but the consumption of this raw material, the uses of which are so rapidly extending themselves through all classes of society?

But it is objected, by the honorable gentleman who moves to strike out this item in the bill, that this article of hemp cannot be produced and dressed in such manner and in such quality as to answer for the purpose of rigging our merchant vessels; that, whatever may be the quality or capacity of the soil for its production, the length of the days, with the great warmth of the sun, in those parts of Russia where this article is cultivated, in which the sun is twenty-two hours above the horizon, is essential to the successful water-rotting of hemp, the only mode of preparing and curing this article which can fit and prepare it for the rigging of vessels; that the climate of Kentucky, unsuitable for this purpose, with the situation of its rivers, deeply imbedded, and flowing at great depths below the surface of the earth, with the fœtid odor which exhales during this process of water-rotting, forbid all just expectation that Kentucky could ever produce, even with the protection of this bill, this article, of proper quality for the use of our marine or navy.

These objections, Mr. President, however specious, are founded in mistakes and misconceptions, as regards the capacity of the soil and climate of our country, compared with those of Russia, as well as in the capacities, the qualities, and resources, of our countrymen, to surmount any real difficulties which may present themselves. As respects the first, nature has not been so niggard of her gifts as the observations of the honorable gentleman would imply; for, I am still to learn, sir, if, indeed, the fact be so, that the country of the Ukraine, though blessed with a fertile soil and auspicious clime, well adapted to the successful cultivation of this important staple, and from which the importations of our foreign hemp are made, is endowed with any happy peculiarities for this purpose, with which the same munificent and Almighty hand has not spread its equal blessings on our Western climes; although the hand of industry and successful cultivation has as yet developed, but in a comparatively small degree, the capacities which they present to the hand of industry, of labor, and of art, under the cultivation of her hardy and industrious sons. And permit me to correct a mistake into which the limited information of the honorable gentleman, in relation to the topography of Kentucky, has betrayed him; for, though it is true that the river Kentucky, from which our State derives its name, is sunk from two to three hundred feet below the level of the adjacent land; the channel being lined in many parts with white marble cliffs, beautiful and romantic in a high degree; yet, it is equally true, and equally known to all who have any knowledge of the face and aspect of our State, that, in this extraordinary tract, this river is peculiar there, and that not only the rivers, but creeks, rills, and branches, from which supplies of water are to be collected in dams and ponds, which, combined with the Summer sun, which remains above the horizon only fifteen hours in our happy clime, is believed to be quite sufficient to produce the effect desired, such partial decomposition of the vegetable gluten of this important staple as fits it for the brake, and which, with the proper dressing, will produce the article possessed of all the properties requisite for the manufacturing, not only the cable, and other rigging, but sails for our merchant vessels, equal to even that of Russia, or any other portion of the globe.

But gentlemen speak of the capacity of the regions in which this article can be cultivated with success, as totally incompetent, in any reasonable degree, to supply the demand for our domestic market, and urge, in lamentable and desponding strains, the oppression, hardship, and distress, to which those engaged in the foreign commerce will be exposed, by being compelled to pay this enormous duty on Russia hemp. And, to give a darker shade to the coloring in which this oppression and distress is drawn, they represent this important interest in the nation, not only in a state of suffering and distress, but in the very throes of expiring agony, sinking under the neglect, if not expiring under the oppression, of governmental regulation.

That this interest is one of immense importance to the prosperity, the welfare, and greatness of the country, will be denied by none; but, that it has been permitted to suffer, to languish, or decay, by the neglect, or been oppressed by any acts of impolicy or injustice of the Government, is unequivocally denied. By what acts of legislation has this interest been oppressed? Not one has been pointed out, or even hinted at, by the opponents of the present bill. What acts of legislation, within the competency of the National Government, have not been passed for the encouragement, extension, and prosperity of the commerce and navigating interest of these States? Have not the acts regulating the coasting trade secured to the shipping interest a complete and exclusive monopoly of that extensive and valuable portion of the navigation embraced in the interests of internal commerce? a commerce which, from the vast extent of our territories, the diversity of soils, and climates, and productions; the agricultural and manufacturing industry of part ministering to the wants, the comforts, and enjoyments of the other; and thus furnishing, at present, and destined to furnish, in ages yet to come, a commercial intercourse between these States unknown and unparalleled in the history of the world. Are not the various navigation acts conferring exclusive advantages on American built and American owned ships modelled upon the famous navigation laws of England, built up and cherished by the wisdom of successive ages? Are these nothing? Do the laws imposing discriminating duties on the tonnage of foreign vessels, in favor of the navigation and importation of merchandise from abroad, insure no advantage to the owners of American vessels? And with what view, and for whose advantage, have the various measures of restriction, adopted by the American Government for the purpose of countervailing the unjust regulations imposed by foreign Governments, been introduced? And have not the ship owners of our own country, at least, participated in all the advantages received or anticipated by the introduction of those measures? But a ready answer can be given to all these questions. And that answer ought, at once and forever, to put to silence these unfounded imputations. But does this brief and hasty enumeration of laws, passed for the avowed and express purpose of the encouragement and protection of our shipping interest, embrace the whole? No. What was the great and primary object and policy of the American Government in rearing up a Naval Establishment, upon a great and extended scale, built and maintained at such great expenditure of the treasure of the nation? In part, to be sure, for the protection of our seacoast from the danger of invasion by foreign enemies—a danger future and contingent, and not greatly to be apprehended by a Government like our own, pacific, and essentially so in its very principles and organization—but constituting a species of force, at all times of the highest use and importance, in the protection of our foreign commerce from the piracies and robberies of professed depredators on the peaceful commerce of all the world, as well as from the rival pretensions and evident usurpations of civilized and social man.

For whose especial protection and advantage are the extensive chains of fortifications on the widely extended line of your Atlantic seacoast, if not for the possessions on land as well as of the commerce floating on the ocean from the Atlantic ports? And have the citizens of your interior or Western States any direct interest, at least in comparison with those of the inhabitants of these Atlantic States, in rearing and maintaining these great establishments? And yet has any of these States complained of these expenditures as burdensome or unjust towards them? Nay, have they not with cheerfulness, cordiality, and even zeal, contributed, not only their money, but, when called on by the voice of honor and of patriotism, lavished their blood as well as treasure in the defence of the nation's rights, outraged in its commercial rights on the ocean by the insolence and injustice of a foreign nation?

But let me not be misunderstood in the course of the remarks in which I have indulged myself, in reply to the honorable gentlemen who have uttered their complaints of the threatened ruin of our foreign commerce, and who would impute such ruin to the neglect of this important interest of the nation, on the part of its Government, whose duty it is to look with an impartial eye, and to attend with impartial care, to all the widespread interests of its people—a principle which the friends of this bill not only recognise, but the application of which they specially invoke to our aid in the adoption of the present measures, the main scope and object of which they aver to be the protection of the first and dearest interest of every independent nation—the encouragement and protection of the domestic industry of the country, as applied to its agriculture and manufactures, on the perfection of which so much of the happiness and prosperity of its citizens must always depend.

But to ascertain whether those engaged in foreign commerce are to be injuriously affected by the encouragement of domestic manufactures, which is held out in the present bill, it is proper to understand in what foreign commerce consists, and on what its existence and success depend. Is it more or less than an exchange of the surplus productions of the respective labors of our own, for those of foreign countries? I speak not of the carrying trade of the commerce of other nations, which every State engrosses to itself in time of peace. If foreign commerce, therefore, consists in this exchange of our own, for the commodities of other nations, to what extent can this commerce be carried on? And are not its limits to be found in the number, value, and amount, of the productions of your own home industry, which is the extent (to speak in general terms) of your means of acquiring, by this commerce of exchanges with foreign nations, the surplus of their productive labor? And if it is, what, I ask, emphatically, of those who represent the interests of the foreign merchants here, is the true interest of those concerned in navigation and foreign trade? And if it is not by offering incentives, by holding out inducements to our citizens to embark in new and profitable branches of manufactures, and to approach in some degree towards perfecting of those now begun—thus, by increasing the number and value of our commodities, for which a demand may be found in foreign markets (or even in our own) to increase and multiply the business of profitable exchange; and thus give new and additional employment for the mercantile classes, in effecting the exchanges of such new commodities, to increase and extend the navigation and commerce of our country with other nations, for the accommodation, and to the mutual profit and advantage of all concerned.

To honorable gentlemen who represent a portion of the agricultural interests, which are concerned in the cultivation of the great and important staples of cotton and tobacco, are there not arguments to be drawn from recent experience, combined with the immediate prosperity of the future, which ought to admonish them of the fatal effects which have and must result from the policy heretofore pursued, and to induce them to lend their suffrages and their aid in the adoption of the measures proposed by the present bill? To the cultivators of cotton, is it necessary to urge what they themselves admit—that the profits of this cultivation, formerly so productive, have not only decreased within the few past years, but at the present prices, has ceased to yield any profit whatever, on the capitals employed in its cultivation? Let me invite them to a retrospect of some five or six years past, and leave to their own serious reflections the melancholy prospects which it holds out to their future contemplation on this, to them, most interesting topic. Does not the history of this trade, for the last seven years, demonstrate that, with the increased extent of exportation of some 30,000,000 pounds of cotton in the year 1822, beyond that of the preceding year, the English markets for this article became so overstocked as to reduce the price to the loss of several millions to the exporters—thus exhibiting the melancholy fact of the increase of cultivation, of industry, labor, and capital, bestowed on the cultivation, resulting in diminished profit, if not ruin, to the planters, as well as to the exporters; and ultimately, in a national point of view, in poverty and ruin to the country? Is there no remedy for this actual as well as anticipated evil, to spring from the causes which have been enumerated? And where is such remedy to be found, if it is not in the policy which has given birth to the measure now under consideration? And that is, to improve the condition of the agriculturist, by affording an increase of the home market, by increasing the domestic manufacture of this raw material. This will extend the market, and the demand for the commodity; and thus relieve the planter from the present pressure, arising from insufficient or glutted markets, by the consumption of their productions, by the persons thus profitably employed in manufacturing establishments, who must be fed and supported by the labors of the cultivator.

To the sections of our country engaged in the cultivation of tobacco, the same arguments apply, with accumulated force. And in this article the State from which I come, and which I have the honor in part to represent, have an interest in common with our brethren of Virginia, Maryland, and North Carolina. The total of the European demand for this great staple of the industry of these States, is 60,000 to 70,000 hogsheads per annum. A quantity so far from affording encouragement for the cultivation of the article, or competition in the foreign market, I will venture to affirm the labor and industry of Kentucky, were an adequate inducement offered, would, without a very extraordinary effort, furnish in any given year. As a decisive proof that this limited and insufficient market is overstocked, not only the low price of the article, of the ordinary qualities, in the foreign as well as the domestic market, of which we are all melancholy witnesses, but the intelligence from abroad, that the markets of London, Amsterdam, and Rotterdam, to which this article is transported from our own ports, are not only overstocked, but supplied, upon an average of something like one year's supply, in anticipation. So that even the exporters of the last year's crop have no prospect of obtaining a market at even the lowest price.

To the cultivators of wheat, or the manufacturer of flour and of other breadstuffs, no better prospect of a profitable market presents itself; but one, still more melancholy, if possible, of future profitable market, or even any market, for these articles, which were at one time, (when the armies of all Europe were to be fed by neutral America,) the great and preferable staples of some of the Northern and Middle, and even of the Western States. Most of the kingdoms of commercial Europe now cultivate the whole or greater portion of these articles, which are required for the support of their respective population; and England, a country which, under the influence of a system of liberal exchanges, on terms of mutual advantage, should have furnished a market for all the surplus of these articles, by the monopoly in favor of her own domestic agriculture, has, by the operation of her corn laws, excluded them from her ports. A system of exclusion so rigid, as not to admit of relaxation, except when the prospect of scanty and insufficient crops at home presents to her numerous population the horrors of famine, or the picture of distress so immediate and alarming, as to admit of no alternative.

With prospects so appalling to the future efforts of the industrious and laboring farmer and the enterprising merchant; with no prospect of remuneration for the labors of the one, or the enterprises of the other; whither shall we turn, Mr. President, for consolation or redress? If it is not to be found in the measure before us, will the opponents of the bill point out some other which can rouse our desponding countrymen from the torpor into which these discouraging prospects have plunged them? Which can nerve the arm of the farmer; and revive the drooping spirits of the manufacturer? It behooves them to answer.

But to return to the article immediately under the consideration of the Senate. It is conceded to honorable gentlemen, who advocate the motion to strike the proposed duty imposed on foreign hemp from this bill, that the duty imposed on this article by the act of 1816, which is thirty dollars per ton, was of itself sufficiently onerous on the ship builders, who were obliged to employ large quantities of it in the rigging and equipping of their vessels. A supply to which the hemp growers in the United States, are entirely incompetent; that the article cannot be produced in Kentucky or the other Western States, of the proper quality essential in the manufacture of cables, sail-cloth, and the other rigging for a vessel; that the protection enjoyed under the act of 1816, was altogether sufficient to have called the industry and energies of the citizens of these States into complete and active operation; and had tested and ascertained the total incompetency of the Western States to engage with success in this cultivation.

Were these objections bottomed on sufficient data, well ascertained to warrant the inferences thus rashly and hastily drawn, from this hasty and superficial view of the question, it would afford matter for the most melancholy reflection and direful foreboding to the future prospects of the people of this interesting portion of the Union. If it were true, indeed, that the beneficence of a kind and bountiful Providence has placed them in the West and middle regions of this immense continent; blessed with a soil fertile and luxuriant, perhaps beyond that of any other of equal extent on the surface of the globe,—if this article of production, of all others, requires the aids which such soils alone can furnish, and to the perfection of which such climates are most happily adapted, what cause is there to despair of success, in producing most ample supplies? But, not only does this view of our country, in her gifts of soil and climate, refute the bold and unauthorized assumption, as well as the uncharitable and unauthorized conclusion, but experience, though a brief one, furnished by the last war, of three years' duration, adds the testimony of her unerring dictates to refute such reasoning. A period during which, short as it was, exhibited in the State of Kentucky, under the influence of the double duties imposed during its continuance, united with the other embarrassments in our commercial intercourse with foreign nations, contributed to produce a rapid and successful increase, not only in the cultivation of the raw material, but in the manufacture of the coarser kinds, such as twine or spun-yarns, bagging, and bale rope, to a great and profitable extent; tending greatly to the increase, not only of the industrious labors of the farmer and manufacturer of the State itself, but of our neighbors; furnishing a mutually profitable commercial barter of these commodities, for those which they could furnish us in exchange. But, with the return of peace, the smiles of which brought happiness and prosperity—the usual concomitants of its happy reign, to most of the other regions of our Union; with the cessation of these double duties came ruin and destruction to this young but rapidly increasing cultivation, and to these manufactures, which time had not yet sufficed to bring to maturity or perfection; and these flourishing manufactures, our ropewalks, our factories for cotton bagging, bale rope, and twine, vanished like the baseless fabric of a vision, leaving but the wrecks behind, over which the owner was left to mourn. That this cultivation, and the manufacture of the raw material, have ever since languished and declined, will not be denied, and the causes of both have been explained.

And who will infer from this a total incapacity in the country, in the soil, or the climate; or those who inhabit the one or the other, to bring them to a degree of perfection which will afford the most ample supplies, to suffice, at no distant day, for the domestic supply of this raw material of hemp, adequate to the demand of our people; but for the equipment of the vessels engaged in our merchant service, as well as for the Navy of the United States? But it is because the cultivation is not yet well established; and because the manufacture of the article is yet comparatively in its infant state, that it requires the protection and the fostering hand of a parental government, to bring it into successful operation. It is because, in a land of liberty like ours, where every citizen has an unbounded range in his choice of occupation; where, of consequence, the force of habit, and even prejudice, in relation to these pursuits, is so inveterate and unyielding, that the gently guiding hand of a parental government should interfere, to effect that gradual change from an unprofitable pursuit to one that is gainful. This an arbitrary government, like that of Russia, can produce at once; an imperial ukase can convert every peasant and serf in the Ukraine, as by the touch of an enchanter's wand, into a grower of hemp; and every subject, where each subject is a slave, into a spinner or weaver of this article into Russia duck or Russia sheetings. This is the liberal policy of a wise and enlightened government, Mr. President; and it is upon this principle, just and politic as it is liberal and enlightened, on which this bill is framed and supported by its advocates; not upon the local selfish views of sectional policy, dictated by selfish and unsocial feelings, as has been, without just foundation, asserted by the opponents of the measure.

It is upon these principles of an enlightened legislation, and of a Government beneficent and paternal, that Henry IV., influenced in an unenlightened age, by the enlightened wisdom of a Colbert and a Sully; that the Edwards of England, advancing before the ages in which they lived and reigned, and outstripping the tardy pace of the improvement of the people whom they were called to govern, by prohibitory duties on foreign importations, by bounties and protections, granted to the subjects of their own dominions the manufacturing of such fabrics as were suited to their interests and their wants. This policy has been persevered in by the wisdom of those Governments, until the present age, by which the manufactures of England, in particular, have obtained, under the fostering care of their Parliament, assisted by their boards of trade, a degree of perfection which has constituted, in a high degree, the wealth and prosperity of the nation, and been the admiration and the envy of the world.

Nay, so far has this protecting policy of the British Government been carried, in times of difficulty and distress, in which her manufactures have been involved by the pressure of extraordinary circumstances, that loans of large amounts have been made from the Treasury, to support manufacturers, tottering on the brink of bankruptcy and ruin. Examples of this are to be found in the conduct of this Government in the years 1817 and 1819, when losses, to an immense amount, by the excessive importations of their merchants to this country, at the conclusion of our last war, was relieved by large issues and loans of exchequer bills. A similar policy had been pursued some half century before the period I have just alluded to, by the immortal Frederick, for the purpose of introducing profitable manufactories in his newly acquired province of Silesia—a policy which, if it did not justify the wars and conquests by which this and other provinces had been acquired by this accomplished monarch, must tend greatly to diminish the horrors and calamities which war and conquest usually carry in their train.

But, let me not be misapprehended, as if I were recommending this form of protection and encouragement to the enlightened body I have the honor to address. The advance of money, or other loans, if within the legitimate powers, would not be within the scope of the policy which, in our age and country, should be pursued. But a system of duties framed upon a full and impartial view of all our various interests, which, neither excessive or oppressive in their amount or in their operation, and without bearing with an unreasonable or ruinous pressure on the other great interests of the nation, would gradually tend to develop, and to bring into full operation, all the capabilities of our soils and climates. This would stimulate the ingenuity and talents of our various population, in the rearing up, and bringing to maturity, and perfection, the various manufacturing and mechanic arts, of which our country and our people are susceptible. This should be the wish of every patriot heart, and the counsel of every liberal and enlightened statesman.

When Mr. TALBOT had concluded—

Mr. SMITH said, that a stranger would suppose, from the argument of the gentleman from Kentucky, that no encouragement whatever had been extended to our manufactures. He, himself, had always advocated such duties as would extend them reasonable encouragement. He proceeded to show what had been the course of the Government on this point. The tariff of 1816, he said, had been bottomed upon this principle. That tariff increased the duty on hemp, but the growth had diminished since that time; nor did he believe it would be grown, even with the encouragement proposed in this bill. Not a ton less of foreign hemp would be imported. This bill was intended, not for revenue, but exclusively for the protection of manufactures. The shipping interest was embarrassed, but it asked no aid from the Government; it only wished not to be still further depressed. Every article of consumption, he said, had risen fifty per cent. since the Revolution—principally in consequence of duties levied by the Government. It had raised the prices of articles of necessity and of labor. He spoke of the duty on manufactured tobacco—it did no good, he said, to the growers of that article—it was intended for the manufacturers. The object of the duty on sugar was revenue—it was one of the best articles to produce revenue. He alluded to the ideas of balances of trade—if taken at all, they should certainly be taken in the aggregate. He thought the balance of trade was not generally understood—gentlemen had said the balance must be paid in money. Was there any money exported from the country? Not much, he believed, except in the Indian trade; and that found its way into the country again. Mr. S. spoke of some parts of our trade which produced valuable cargoes of imports, for very small ones of exports.

He referred to the course of European nations on this subject, and to the policy of the retaliatory systems of protection, which had been adopted by those nations, one against the other. They were abandoning those systems as fast as possible; it was more difficult to get rid of them than to adopt them; and, at the very moment they were relinquishing the system, we were about to take it up. He explained the embarrassments which had taken place from want of knowledge and capital, in carrying on the business of manufacturing, and alluded to some of those which had flourished, which were in possession of those advantages. A rational encouragement to manufactures, Mr. S. said, he was always willing to advocate, but he believed that neither Hamilton, at the time he submitted his celebrated report, nor any other man, at that time, had dreamed of extending such great encouragement to manufactures, as had already been extended to them. He believed the present duties were sufficiently high, and quite as high as the people ought to be burdened with. Mr. S. replied to Mr. TALBOT's remark about the fortifications of the Atlantic frontier, and to that respecting the protection of cotton; he knew of none that it had received from the Government. The cotton growers only wished to be let alone. He explained the heavy operation which the bill would have upon the Southern States.

Mr. HOLMES, of Maine, wished all mankind was afflicted with the same distresses as the people of Kentucky. They have a fine climate and soil, and a great surplus of the productions of the earth; not so, he said, with the people of Maine—they have to work hard, and get but little produce for it. And now they are to be taxed by this bill to find a market for the Kentucky hemp; he explained the course which the article had taken in this country. A great deal had been said of domestic industry—he believed the industry of seamen and fishermen was domestic industry. The gentleman from Kentucky had said that the duty was not prohibitory; they are willing not quite, but *almost*, to prohibit an article, scarcely a ton of which do they now produce. He denied all the positions which had been taken in relation to the balance of trade—nobody, he said, could understand it. It had been millions against us ever since he could recollect. The property had always been going out of the country; and what is the proof of this doctrine? He asked, if the proof was to be sought in the growing prosperity of the country, and the absolute accumulation of millions every year? He asked if the Navy, of which the gentleman from Kentucky had spoken, was peculiarly the property of the East? If the West had no protection to seek from it? As to the fortifications, almost all that had been made since he had been in Congress had been for the protection of the West. The principal one of the East had been erected before the establishment of this Government. And, upon these grounds we are asked to impose a duty of forty-five per cent. on an article which we do not yet produce at all. Mr. H. thought this one of the most extravagant items in this most extravagant bill.

Mr. LLOYD, of Massachusetts, made some further observations in exposition of the fallacy of all arguments upon the balance of trade, as taken from the custom-house returns. The reporter could not hear Mr. L. with sufficient distinctness to report even a sketch of his remarks.

Mr. RUGGLES said this was framed, he believed, as a bill for the general encouragement of all branches of the manufactures of the country. He believed this item would not be as injurious to the Atlantic States as they seemed to imagine; he went on to show why it would not have so bad a tendency, as was supposed; he thought that, at least, the advantage of furnishing the article for the Navy, and for the coasting trade, ought to be accorded to the Western States. He commented upon the advantages they possessed for the growth of this article, and the great benefits that would be derived to the country from its production. He could not believe the difference between the foreign and domestic article so great as to warrant the rise of the foreign article to the entire exclusion of the domestic.

Mr. EATON believed every gentleman had made up his mind on this subject, but he deemed it his duty to express his opinion in a few words. He admitted the positions taken in regard to certain branches of our trade, wherein there were very small exports and increased imports. But, he contended that the balance of trade with England had been against this country ever since the war. He pursued his remarks upon the course of trade. He believed that more had been done for the commerce of the country than for all the other interests put together, and recurred to the tonnage duties, and other protecting measures, to prove it. He thought this one of the most important items in the bill, and he should consider it as lost if it was stricken out. When the hemp was out, the duck would go, and all the rest of the bill with it. He contended for such a degree of protection to the article as would encourage its domestic growth, without amounting to a prohibition of the foreign article. He referred to the price it had borne during the war, and thought it the duty of the Government to see that the nation was, in some measure, prepared for a state of war. He thought the only question in relation to this bill was, Whether we were willing to rely upon foreign nations for the necessaries of life, or whether we were to produce them for ourselves. The only way to make the community prosper, he believed, was to extend a general protection to all the great branches of employment. He believed commerce was never more depressed than at present. Our cities were filled with paupers; and yet we are to go to the workshops of Europe to get the articles we want for consumption. He conceived the policy of this measure to be necessary to protect us against that of other nations. It was not a matter appertaining to one section of the country, but it was a subject of great national concern.

Mr. LLOYD, of Massachusetts, explained in regard to the embarrassments of the navigating interest of the country. He read, from a letter on this subject, which he had received from an eminent merchant. He remarked further upon the balance of trade, and the difference in the value of specie in England, and in this country.

Mr. DICKERSON believed there was a majority in the Senate in favor of a reduction of the duty on hemp; as contained in the bill—but he hoped it would not be stricken out entirely. He had no doubt that it was the interest of the country to encourage the growth of this article, and every article which could be produced with ease in our own country, and by our own people, ought to be encouraged. Mr. D. believed this duty was not to favor Kentucky alone; but would operate advantageously to other parts of the country, as its growth need not be confined to Kentucky alone—other parts of the country were equally well fitted for it. There was no reason in nature, why it could not be grown and fitted for the market in this country.

Mr. D. explained, in relation to the supposed difficulties in water-rotting the hemp. He considered this as a contest between the importer, arising out of the benefit of freight, against the grower of the article in our own country. He spoke of the friendship which the gentleman from Maryland professed for domestic manufactures—and presumed that they had arrived at that point, beyond which his protection could not go. Mr. D. hoped that all those gentlemen who were willing to take an intermediate point, in regard to this duty, would vote against striking out.

Mr. SMITH answered some of the remarks of Mr. DICKERSON, which had a personal relation to himself.

Mr. TAYLOR, of Virginia, made a remark, in relation to the long petitions praying for an increase of this duty, to which the gentleman from New Jersey had alluded.

Mr. DICKERSON replied to the observations of Messrs. SMITH and TAYLOR. He said he should consider the vote to strike out this item, as destroying the bill.

Mr. KING, of New York, said that the imposition of this duty bore hard upon a particular interest of the country. If gentlemen wish to encourage the production of hemp and iron, they ought to bring in a bill to give bounties on these articles. The burden would then fall equally upon the community. There was the same Constitutional right to pass an act granting bounties on these articles, as to encourage their production in the way proposed by this bill.

The question on Mr. LLOYD's motion was then put, and carried in the affirmative, by yeas and nays, as follows:

For striking out—Messrs. Barbour, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

Against striking out—Messrs. Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

So the duty on hemp was stricken out by the Committee of the Whole; and the Senate adjourned.

FRIDAY, April 30.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act for the relief of Charles Humphrey;" and the bill, entitled "An act for the relief of Joseph Marechal;" reported them, severally, without amendment.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Alexander Scott, reported a bill for the relief of Alexander Scott, late Collector of Pensacola; which was read, and passed to a second reading.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of John Wilmot," reported it without amendment.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to provide for repaying to Bazaleel Wells a certain sum of money by him erroneously paid into the Treasury," reported it without amendment.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of William N. Earle," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of Malachi Burns," reported it without amendment.

The seventeen bills yesterday brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Robert Strain;" the bill, entitled "An act for the relief of J. M. C. Montgomery;" the bill, entitled "An act for the relief of Thomas L. Ogden, and others;" the bill, entitled "An act for the relief of Peter Yandes;" the bill, entitled "An act for the relief of Landie Richardson;" and the bill, entitled "An act for the relief of Daniel Carroll, of Duddington, and others," were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of John S. Moffit;" and the bill, entitled "An act for the relief of David Beard;" were severally referred to the Committee on Finance.

The bill, entitled "An act for the relief of George Fisher;" and the bill, entitled "An act for the relief of Judah Alden;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Henry Leightner," was referred to the Committee on the Post Office and Post Roads.

The bill, entitled "An act for the benefit of the Columbian Institute," was referred to the Committee on the District of Columbia.

The bill, entitled "An act for the relief of Solomon Sibley;" the bill, entitled "An act for the relief of Frederick Perley;" and the bill, entitled "An act for the relief of David Cooper;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act for the relief of Hugh McCulloch;" and the bill, entitled "An act for the relief of Mary H. Hawkins;" were severally referred to the Committee on the Judiciary.

Mr. Lloyd, of Massachusetts, presented the memorial of Thomas Dennie, and others, merchants and ship owners, of Boston, praying that the bill now before Congress increasing the duties on imports, may not pass the Senate; which was read, and ordered to lie on the table.

Mr. Mills presented the memorial of Jonas B. Brown, and others, of Massachusetts, praying that the bill before Congress to increase the duties on imports, may pass; which was read, and ordered to lie on the table.

In pursuance of notice given yesterday, Mr. Eaton asked leave to introduce a bill "for the relief of John Donelson, Stephen Hurd, and others."

Mr. E. made a few remarks on the subject, and Mr. Chandler opposed the leave, on the ground that the bill had been rejected in the other House. To this objection, Mr. Eaton replied. Leave was granted to introduce the bill. It was twice read, and referred to the Committee on Public Lands.

The Senate proceeded to consider the motion of yesterday, instructing the Committee on Public Lands to inquire into the expediency of authorizing the selection of certain land for the support of seminaries of learning in Missouri; and it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnston;" "An act for the relief of Dean Weymouth;" "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820;" "An act for the relief of Robert Blean;" "An act for the relief of Jacob Slough;" "An act for the relief of the legal representatives of Fry and Spalding;" "An act for the relief of Samuel Cleveland, jr.;" "An act for the relief of John Mitchell;" "An act for the relief of Morris Goldsmith and Anthony Roderick;" "An act for the relief of John Topp;" "An act for the relief of Archibald Clark;" "An act for the relief of Benjamin King;" "An act for the relief of Maturin Guichot;" An act for the relief of Joseph Firman, and others;" "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representatives of either of them;" and "An act for the relief of John K. Carter;" in which bills they request the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, (Mr. King, of Alabama, in the Chair,) resumed the consideration of the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

Mr. Kelly moved to amend the bill, in the following clause: "On cotton bagging, four and a half cents per square yard, until the 30th day of June, 1825; and, afterward, a duty of five and a half cents per square yard:" by striking out from it the words, "until the 30th day of June, 1825; and, afterwards, a duty of five and a half cents per square yard."

Mr. Kelly supported his motion, at considerable length, showing the impropriety of laying such duties as to force the manufacture of this article into existence; the improbability that hemp, from which the cotton bagging is manufactured, would be soon raised in this country, in any great quantity; as its cultivation and preparation for market, was a dirty, unpleasant occupation, and uncongenial to a people possessing as many blessings, and as many more unpleasant means of employment, as are possessed by this people; that, if the people were disposed to engage in the manufacture, the duties now existing afford sufficient encouragement; and that the article ought not to receive further encouragement, at the expense of the cotton grower.

Mr. Eaton replied to the arguments of Mr. Kelly, and spoke against the motion to strike out. The reporter heard his remarks but very indistinctly.

Mr. Smith stated to the Senate the prices which cotton bagging had borne, the duties that had been imposed upon it, and the operation of the duty proposed in this bill.

Mr. Hayne, of South Carolina, rose, and after some preliminary remarks, proceeded as follows:

I shall now, Mr. President, examine this bill, endeavor to ascertain its true character, and take a view of its probable effects. The principle contained in this bill is, that the importation of all foreign goods must be prohibited, which we are capable of making at home. This I will attempt to prove, first, from the declarations of its advocates, and next from the provisions of the bill itself. In proof of my assertion, that prohibition is the true object of this bill, I will begin, by quoting a few extracts from the published speeches of several of its most conspicuous advocates; selected from many of the same import. I will refer, in the first place, to the debate in the House of Representatives, on spirits. An honorable gentleman from New York said, "there are several items of this bill inserted with the view, certainly with the effect, of excluding the importation of the article." The same gentleman, in another place, remarks, "that he thought the principle of the bill to be a new one; he meant the principle of taxing imports, with the avowed view of protecting home industry. If the tariff was not to be a measure for revenue, but for protection, (and this, it will be recollected, was admitted on all sides,) it ‘ought to go on the plan of excluding competition altogether." And, again, "he thought, in ‘whatever part of the tariff we depart from revenue, as the object, we ought at once to go ‘the whole length of excluding the foreign article." Another honorable gentleman from the same State, in the debate on cotton bagging, asks, "what is it we propose?" and answers the question himself, in these words, "to make "this country independent of foreign manufactures." I will appeal, however, to still higher authority. The honorable Chairman of the Committee of Manufactures, the official organ of that Committee, and the acknowledged leader of the party, said, "the objection to this clause (the duty ‘on spirits) is, that you prevent importation—you ‘cut off trade; well, sir! and what is the object ‘of the whole bill, but to protect home industry, ‘by preventing those importations which destroy ‘it?" An honorable gentleman from Ohio, deservedly distinguished for his talents and influence, speaking in support of the wool tax, which he calls "a system of gradual prohibition," remarked "that in six years it might be total." In the course of the debate on the hemp duty, an honorable member from Pennsylvania (Mr. BUCHANAN) intimated a reluctance to go faster than the growth of our manufactures would warrant, and ventured to express an opinion "that the Western hemp ought to be brought into a fair competition with that of foreigners." Now, how was this idea of competition received? Why, it brought down upon his head the sharp rebuke of his friends. The honorable Speaker declared that the bill "had received an attack from a most unexpected quarter," and the Chairman of the Committee replied, "If the gentleman voted throughout on that principle, he must vote against the whole bill;" and, in illustration of his assertion, he remarks "that the duty proposed on cotton is more than one hundred and fifty per cent., and as to the duty now under consideration it amounted already to eighty or one hundred per cent." I am unwilling to fatigue the patience of the Senate by multiplying quotations, to the same effect, and will, therefore, content myself with two more. In the speech of the Chairman of the Committee, in opening the discussion of the Tariff bill, (to be found in the National Intelligencer of the 19th February,) he expressly declared, "that the duty of six cents on cotton bagging, was intended to be protective and prohibitory." And, again, speaking of what he himself calls "the prohibitory duty, imposed, in the year 1816, on cotton cloths," he says, "like the principal articles in the bill, there, the prohibitory duty was on an article, the raw material of which abounds at home." He then goes on to speak of a "similar protection of woollen manufactures, hemp, glass, and iron." Doctrines and sentiments similar to these, have, also, been disclosed, by the advocates of the tariff, in this House. My amiable and valued friend from Kentucky, (the purity of whose patriotism gives additional force to every thing he utters,) asks us, solemnly—in the name of the sacred honor and best interests of our country—whether it has not become high time to secure the home market to ourselves," and, to leave no doubt of his meaning, adds, "let us raise and confirm a system of our own, that we may "live wholly independent of foreign supply." Combining these declarations, it appears to me that the principles of the advocates of the Tariff are fairly disclosed, and the prohibitory policy "stands confessed." The course of the debate, and the reasoning resorted to by the gentlemen on this floor, lead irresistibly to the same conclusion. When, on our motion to strike out "the minimum on cottons," we insisted that the duty would amount to a total prohibition of cotton goods, to the amount of seven millions of dollars per annum; they replied, that "the importation was injurious, and ought to be prohibited, because we could make these goods at home." Nay, they have gone so far, that when we point out articles embraced in this bill, which we do not, and which it is not proposed that we should manufacture, we have been gravely told "that substitutes for them can be provided at home." Now, Mr. President, I do earnestly insist that these principles lead to nothing short of the total destruction of foreign commerce. Where is the article which may not be produced at home? or (if there be any such) for which some convenient substitute may not be provided? When, in 1816, the bill was introduced, which may be considered as the commencement of the "anti-commercial system," great alarm was excited, lest the principles now advocated, should, at some future period, be adopted in our legislation. The advocates of that bill expressly disclaimed any desire of introducing new manufactures into the country, much less of prohibiting the importation of any article from abroad. The argument then was, that in the infancy of any manufacture, it was necessary to give some assistance, to enable it to grow and acquire strength, but that such support would soon become necessary, and those establishments might then be safely left to the exertion of their own energies. The act of 1816, though now called by the gentlemen on the other side, "prohibitory," and, therefore, held up as an example, imposed duties, then deemed merely sufficient to enable existing establishments to bear up against the pressure of the times, but it was expressly provided that those duties should be subsequently diminished. Thus, on all manufactures of wool and cotton (except blankets, rugs, and stuff goods) a duty was levied of 25 per cent. until the 30th of June, 1819, and of 20 per cent. after that period.[*] The object was not to prohibit, but protect—to give assistance in infancy, not to support manhood—to afford succor in distress, not bounties in prosperity. Baldwin's Tariff recognised these distinctions, and expressly provided for the diminution of the duties after three years. But the mask has now been thrown off. The new principle of *progressive duties* has been introduced into this bill, and this amounts to a distinct acknowledgment that the object now is, not *competition*, but *prohibition.* I wish to call the serious attention of the Senate to this feature of the bill—now introduced into our laws for the first time. Compare for a moment, a few of the proposed duties, with those imposed by the act of 1816.

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[*] See Act of 27th April, 1816, Ingersoll's Digest, 177.

Proposed rate of Duties.	*Duties by act of* 1816.
Manufactures of wool:	
30 pr. ct. to 30 June, 1825	25 pr. ct. to 30 June, 1819
33½ do. do. 1826	20 do. after that time
37½ do. after that time	
Manufactures of cotton:	
25 pr. ct. with a minimum of twenty-five cents per square yard	25 pr. ct. to June 30, 1819 20 do. after that time with a min. of 25 cents
Wool unmanufactured:	
20 pr. ct. to 1st June, 1825	15 per cent.
25 do. do. 1826	
30 do. do. 1827	
35 do. do. 1828	
40 do. do. 1829	
45 do. do. 1830	
50 do. afterwards.	

The first duty proposed, of 20 per cent. on wool, and 30 per cent. on woollen cloths, if admitted to be sufficient to bring the domestic article into a fair competition with the foreign; otherwise, it would be sufficient to save our sinking establishments from "overwhelming influence of foreign competition," what is the object of the progressive increase of the duties, year after year, from 20 to 50 per cent.? The answer is plain, eventually to prohibit the foreign supply: and the only reason why this is not done at once is, that the friends of the policy are solicitous that it should not operate so oppressively on the people, as to influence public opinion and produce a reaction fatal to their hopes. It is impossible, sir, by any evasion or subtlety, to disguise the truth; gentlemen must, in candor, acknowledge the obvious fact, that this progressive duty looks to prohibition, and is intended totally to prohibit the importation of the particular goods to which they relate. And the same principle which would justify prohibitory duties, in relation to wool, woollen and cotton goods, and cotton bagging, must lead to the prohibition of iron, hemp, flax, lead, and, in short, of every article which we are capable of making at home. Thus it is proposed to prohibit foreign distilled spirit, and wines will soon share the same fate, to encourage the manufacture and consumption of whiskey—cotton goods are to be substituted for silk—and oil is to supply the place of tallow. You may modify this bill, Mr. President, as you please,[*] so long as the progressive duties are retained in it, the principle of prohibition, immediate or eventual, is recognised. Can any friend to commerce, any advocate of the Navy, any one anxious for the honor and welfare of his country, give his support to a bill which is to introduce a new principle into our legislation; a principle which it has been shown leads directly and inevitably to the prohibition of foreign trade? Let the system flourish; let gentlemen proceed "in the full tide of experiment," and, my life upon it, they will soon attain that enviable state "when the nation will command its own consumption, and importation and imposts will cease." This is "the consummation" of "the American policy of encouraging home industry;" a policy foreign in all its features, confessedly borrowed from Great Britain—Chinese in its character, (for it deprives our citizens of the free use of the ocean which rolls at their feet,) the policy of kings and of tyrants, of restriction and monopoly, at variance with all our institutions, and involving the loss of our ships, our seamen, and our Navy.

If I have succeeded in any degree in proving the position I have taken, I should hope that this bill would lose the support of some gentlemen, who have advocated it as a measure of protection, intended merely to produce a "fair competition," but who would give no countenance to the "prohibitory policy." But, if I have wholly failed; if this bill does not look to prohibition; if its true object be to draw labor and capital from certain pursuits, supposed to be unprofitable, into others, which, it is asserted, will be more advantageous, both to individuals and the State, I should still strongly object to the measure, as resting on visionary theories and false doctrines; as being necessarily unjust and unequal in its operation, and calculated to aggravate the very evils it is intended to remedy.

The first objection which I shall urge against this policy, is, that it assumes, that Government is capable of regulating industry, better than individuals—a position which is wholly untenable. From the nature of things, labor and capital should be permitted to seek their own employment, under the guidance, entirely, of individual prudence and sagacity. Government, from the very elevation of its position, is necessarily incapable of taking that close view of the subject, and obtaining that accurate knowledge of details, indispensable to a judicious determination of the relative advantages of different pursuits, in any community. This depends so much on local circumstances, that personal observation and individual exertions are alone competent to the task. In the domestic concerns of nations, as of individuals, it is sufficient that men are prevented from trespassing on the property, or invading the rights of their neighbors. In all other respects they should be left entirely free. If any doubts existed on this point, I should have supposed that the most superficial observer would have discovered, in the progress of this bill, conclusive evidence of our utter incapacity to accomplish the task we have assumed. Though surrounded by manufacturers generously willing out of their abundant stores of knowledge and experience to supply all our deficiencies, have we not found it impossible to penetrate the veil thrown around the pursuits in which they are engaged? I will appeal with confidence to the Senate, and ask, whether the most notorious facts have not been denied or perverted, and the most contradictory statements submitted, and whether we are not at this moment left in profound ignorance, not only of the actual rate of profits, but of the true condition of every branch of manufacturing industry? We cannot know, therefore, either the degree of protection wanted, or the best means of extending it. Are not the provisions of the bill exactly conformable to this state of our information. I will venture to assert that no bill was ever introduced into any legislative body in this, or any other country, composed of such heterogeneous provisions, and contradictory principles. Here is said to be a "flourishing manufacture," and, therefore, it is to be encouraged; here is "a languishing establishment," and it must be sustained; while such as have no existence, are to be created; some, because they require much skill and large capitals, and others, because they require neither skill nor capital. Some branches of industry are to be encouraged because others are "overdone," but these must also be protected "against foreign competition threatening to destroy them." There are duties on the manufactured articles, and duties on the raw material; and, in short, the whole bill is a tissue of inconsistencies. In attempting to gratify the wishes of interested individuals, we are legislating in the dark, distributing the national funds by a species of State lottery—scattering abroad bounties and premiums of unknown amount; and all this, without the rational prospect of producing any effect, except that of sowing the seeds of dissension among the people, and thereby introducing mischiefs which may last to the remotest generations. We are opening a Pandora's box of political evils, which, when they have gone abroad, will not even leave hope at the bottom.

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[*] The bill received no less than thirty-seven amendments in the Senate, nearly all of which tended to render its operation less oppressive, and to deprive it of its prohibitory character. The foregoing remarks, therefore, are chiefly applicable to the bill, in the shape in which it came from the House of Representatives. It is to be observed, however, that the progressive duties have been retained.

This system of regulating, by law, the private pursuits of men, or, what amounts to the same thing, passing laws for increasing the profits of certain employments, and lessening the profits of others, thereby driving men from the pursuits of their choice, to those which the Government is pleased to favor, has, it is true, been sanctioned by the practice of other nations, and comes down to us from the remotest ages. But I consider it, sir, only as a part of that system of tyranny and arbitrary rule, to which men have been subjected in every age. If it has become venerable, it is only from time, and, like monarchy, has no claims to our respect but its antiquity. I admit, that, in England, the industry of individuals has always been thus regulated. We know, that in that country emigration is, in many cases, prohibited; that the wages of labor, and employment of capital, and even the price of commodities, are, in various ways, directed and controlled. In other parts of Europe, the doctrine of regulation is carried still further, and a man's religious and political opinions, as well as his pursuits, are taken "in the holy keeping" of those whose only qualification for the task consists in their anxious desire to keep down the aspirations of the immortal mind.

Sir, it would afford matter for curious speculation, if the various regulations by which men have been controlled in their pursuits, could be presented in one view to our consideration. In England, we find that, in the reign of Henry IV., the Crown was authorized, by an act of Parliament, to order "one rood of flax or hemp to be planted for every sixty acres cultivated in other grains," and this was done for the purpose, as it is quaintly expressed, "of making of nets and eschewing of idleness." But, it is in the East that we find the system, advocated by the gentlemen on the other side, carried to the greatest perfection. Without dwelling, however, on this topic, I will concede all the gentlemen can ask; I will admit, that Governments have every where, and in every age, presumed to regulate man in all his pursuits. Every thing connected with his existence, from the cradle to the grave, nay, beyond the grave; the language he shall speak; the food he shall eat; the trade he shall follow; the place in which he shall dwell; the opinions he shall cherish; the books he shall read, and the God he shall worship; every thing, in short, which belongs to him as a created being, is the subject of arbitrary regulation, and man is made a creature without heart, or soul, or mind—a mere machine, obedient to the will of the human artist who puts it into operation. But, sir, we were taught to believe, that the establishment of our Government formed a new era in the history of the world, and that the practical operation of our Constitution was destined to exhibit a splendid example of the perfection to which man would attain, when freed from the shackles which had been imposed on him in other countries. We were taught to expect that a Government, instituted by a people, and administered for their benefit alone, where the human mind would be left without restraint to pursue its own happiness in its own way, must, by its good fruits, recommend a free system to all nations. I can well recollect, sir, that, among the first lessons instilled into my mind, that which made the deepest and most lasting impression, was to consider the Republican Institutions of my country, like the air we breathe, as bestowing life, and health, and happiness, without our being conscious of the means by which these inestimable gifts are conferred; like the providence of God, unfelt and unseen, yet dispensing the richest blessings to all the children of men. But these, we are told, are the illusions of the imagination. Man cannot be safely left to mark out his own course to happiness; but here, as elsewhere, the various employments of industry and capital must be so artificially arranged and balanced, as to produce results to be prescribed by law.

To understand the true remedy for existing evils, we must ascertain their nature and extent, and know the causes which produced them. I beg the indulgence of the Senate whilst I prosecute these inquiries. And here, I insist, that the pictures of the great distress and acute suffering of the people are exaggerated. All classes of our people are supplied with food—not, as in many parts of Europe, of a single kind, and of insufficient quantity, but in great variety, and in vast abundance; they have convenient dwellings, sufficient fuel, and warm and comfortable clothing, and these blessings are possessed to an extent which leaves no room for complaint in any part of the country. We possess, too, the means of educating our children; colleges have advanced with a rapidity heretofore unexampled, and common schools are daily springing up even in the wilderness, a religion, pure and undefiled, sheds its blessings on our heads, and, to crown the whole, the spirit of liberty walks abroad in our land, crushing the oppressor, inculcating the lessons of wisdom and of virtue, giving protection to the weak, and security to all. Now, if any monarch in Europe could, by pursuing a wise and liberal policy, bring the mass of his subjects into this condition, he would be followed by the blessings of his people, and would command the admiration of the world.

When I admit, therefore, that the country is in a state of depression, I must not be understood as conceding that there is any want of the necessaries or conveniences of life. No, sir, that depression consists entirely in diminished prices for the produce of our labor, and is not confined, as gentlemen have supposed, to certain places, or to particular employments, but embraces the whole country, and is almost equally felt by all classes in society. It is also lamentably true, that men in the middle and higher ranks of life, are considerably involved in debt, and I will certainly not attempt to deny that these are evils of great magnitude, or that they have produced, and must continue to produce, serious embarrassments. Now, in searching for the causes of this state of things, it is not a little astonishing that gentlemen should pass over the great political events which have obviously placed the United States in a new position in relation to the rest of the world, and should look entirely to temporary circumstances and transient causes; such, for instance, as the "balance of trade," and the "drain of specie."

The fact, that, from the commencement of the French revolution to the fall of Napoleon, the United States occupied a neutral position, and enjoyed the privilege of monopolizing the carrying trade, and commanding for her breadstuffs the markets of the world, would sufficiently account, not only for the rapid growth and extraordinary prosperity of our country, but also for the temporary depression which must result from the loss of these advantages. Our fields have almost literally been fertilized by the blood of Europe; we have fattened on the crimes of her tyrants, and the sufferings of her people. This has resulted entirely from our peculiar and felicitous situation; a nation at peace, with a salubrious climate, a rich and varied soil, and a rapidly increasing population, protected and fostered by a free Government, and liberal institutions; whilst all the rest of the world was involved in the horrors of war. That an increase in wealth beyond all former example, and in general prosperity without a parallel, should have sprung out of such a state of things, was natural, and, indeed, inevitable. The consequence, however, of this forced prosperity was, that the wages of labor and the interest of money became extravagantly high, foreign capital and skill were attracted to our shores, and a premature impulse being given to industry, results were produced so surprising, as to border upon fable. American enterprise, like the lamp of the magician, converted every thing it touched into gold; the growth of centuries was attained in a few years, and from youth, the nation sprang up at once, and attained not only the vigor and strength of manhood, but a giant's stature. It was the necessary consequence of the state of prosperity, which I have described, that habits of expense should be formed, which nothing but extraordinary profits could support. Every thing was conducted on a liberal scale, and the original curse, "that man should eat his bread by the sweat of his brow," was unfelt and forgotten. At the very moment that we were indulging in golden dreams of endless prosperity—the restoration of tranquillity to Europe, and the return of all nations to the arts of peace, brought her subjects at once into competition with our merchants and farmers, in all those pursuits, from which they had reaped such rich rewards. The loss, in a great degree, of the foreign market for our grain, and of the carrying trade; the loss, in one word, of our neutral position, produced a change in the condition of the people, which could not fail to be severely felt. This change, which would, under any circumstances, have been painful, has unfortunately been rendered peculiarly oppressive in some parts of the country, by the unsettled state of the currency—the multiplication of banks—the extensive issue of the paper money, and the unjust interference of the Legislatures of some of the States, to prevent the enforcement of debts. In some of the Western States, for example, paper banks were established, and money issued to an extent almost incredible. In one of those States, forty banks were incorporated by a single act of the Legislature; they were located in different parts of the country—an immense amount of paper was issued and circulated—the farmers were tempted to borrow and indulge themselves in the most extravagant expenditures, and when this evil had reached its height—their local banks (having, by their worthless paper, driven all the specie out of the country) stopped business, and left the people to pay their debts how they could.

The whole of our calamities, Mr. President, may be summed up in a few words—debts, and want of money. Now, debts cannot be paid without money, and as we have no mines, and cannot manufacture silver and gold, I am at a loss to conceive how we are to obtain money, or discharge our debts, by cutting off foreign trade. Having thus pointed out, what I suppose to be the nature, extent, and true source, of all our difficulties, I will proceed to consider the causes assigned by gentlemen on the other side. These are—

1. The balance of trade and drain of specie.

2. The loss of our exports; and
3. That commerce and agriculture are overdone.

On each of these, I must make a few remarks. In relation to the balance of trade, the gentlemen turn to our public documents, and showing from these that we import more than we export, at once conclude that the balance is against us. During the last year, say they, we actually imported goods to the amount of $77,579,267, while we exported only $74,699,030, from which they infer that the nation fell in debt nearly three millions of dollars. But will gentlemen call to mind that we employed, in the importation and exportation of the goods, 800,000 tons of shipping; and as the capital invested in those ships, must, of course, have yielded some profit, it was necessary that we should import, not only the value of the merchandise exported, but the amount of the freight. The imports of every country must, therefore, exceed the exports in value, by an amount at least equal to the profits.

Though gentlemen have argued this point with great earnestness, I really cannot persuade myself that it is necessary to say much in reply; I will merely advert, therefore, to one or two facts in support of my views. It has been stated in a recent publication, of unquestionable authority, that thirty-nine vessels sailed from Portsmouth, N. H., in one year, in ballast; that these vessels were employed in the carrying trade in Europe, and realized a clear profit of $150,000, with which they returned to the United States. Now, according to the custom-house books, it appears that in this case, we imported $150,000 more than we exported, and this sum is actually included in the balance which the gentlemen set down against us. Can it escape the notice of the gentlemen that, according to their mode of calculation, a cargo lost in the ocean, or sold in Europe for half its value, creates a balance in our favor, while one doubled in value, swells the balance against us? The plain truth is, that no higher evidence can possibly be furnished of the prosperous state of our commerce than that our imports uniformly exceed our exports, and this excess has always been greatest when our trade has been most prosperous. It is so well understood and acknowledged in Europe, that a prosperous trade cannot exist without importing more than you export, that when the statements of the custom-houses in England have exhibited a different result, the circumstance has been accounted for by showing that it has arisen entirely from the difference between the official valuation and the actual value of goods.

Both the gentleman from Kentucky, (Mr. TALBOT,) and the Chairman of the Committee, have treated this subject, as if all importation ran the country in debt. Now, I would seriously ask those gentlemen, whether they believe that, when we export our produce, we make a free gift of it to a foreign nation? or, can they imagine that, in sending us their goods, they are bestowing a gratuity? If not, it follows that each party must receive some equivalent, and this is found in the exchange of commodities, on terms mutually advantageous. Nor does the intervention of specie make the least difference in the case; for, though silver is used as a standard of value, yet it is only a commodity, which, like all others, is obtained in exchange for produce. There can be no drain of specie, therefore, while trade is free, and we have any thing to exchange for it. And what possible difference can it make whether we pay for an article in produce, or in the gold and silver, which we buy with that produce? But, here my friend from Kentucky (Mr. JOHNSON) asks, "whether we mean to contend that there is no such thing as a balance of trade?" In answer, I will state, that a nation may import from a particular place, or in a particular year, more than a fair return for the articles exported, and in either case a debt may certainly be created. But from the very nature of trade, this can only exist for a short period, the over importation from one place, or in one year, being necessarily balanced by under importations from other places, or in other years; and thus, in a series of years, the whole amount of imports and exports must balance each other. Sharp-sighted and experienced importing merchants, are not at all like "spendthrift heirs." They do not go on increasing their imports beyond the means of the country to pay for them; nor does the foreign merchant continue to send on his goods, after he finds that his customers cease to make remittances. The accounts are balanced at stated periods, and the debt is paid, in the only way by which such a debt ever could be paid—by the produce of the country. I conclude, therefore, that if a nation exports, it must import, and so, *vice versa*. As a general rule, all parties concerned in trade derive a profit. It is the increased value given to commodities by labor or art, or by the mere act of transportation, which is the foundation of commerce. In this way the world is perpetually progressing in wealth and refinement; and every advance that is made in science or in art—every new impulse given to industry—adds to the comfort and happiness of mankind. I repeat, therefore, that so far from mourning over the immense amount of our imports, we may resort to them, as affording, not only conclusive evidence that we are going on prosperously, but as furnishing almost the standard by which that prosperity can be measured. Away, then, Mr. President, with this argument of "the balance of trade."

But the gentleman from Tennessee (Mr. EATON) insists, that there is one fact which demonstrates that the balance of trade must be against us—that fact is, the rate of exchange, which he states is now no less than eight per cent. in favor of Great Britain. The chairman of the committee, as well as the gentleman from Rhode Island, (Mr. D'WOLF,) have also strongly relied on this circumstance. Now, are these gentlemen not aware, that eight per cent. premium on bills of exchange on England, is at this time actually below par? It is manifest that the nominal rate of exchange can furnish no evidence of the actual difference, except where the standard of value is the same. If the currency of one country should be coin, and of another depreciated paper—if gold be the standard in one place, and silver in another, or if the coins be of different value, the rate of exchange must be influenced by all of these circumstances, and could furnish not the slightest evidence of the true balance of trade. Is it not obvious, that, under ordinary circumstances, the difference of exchange between countries, whose currency is the same, would be merely the expense of transporting specie? Why should an American merchant pay a debt in England by a bill of exchange, at eight or ten per cent. premium, when the expense of sending the specie to England would not exceed two per cent. Gentlemen will see at once, therefore, that there must be a fallacy in their argument; for if the premium of eight per cent. on bills, was the measure of the real difference of exchange, no bills would be purchased, but specie would be shipped. The truth is, the currency of the two countries is different. In considering the rate of exchange, between the United States and England, it must always be recollected that, practically, silver is the standard of the United States, because in silver only all payments are made, while gold is the standard in England, because in gold alone all payments are made—silver not being even a legal tender for sums above two pounds; they are then not susceptible of direct comparison, being things entirely dissimilar, and must be compared by some indirect mean. This mean is familiarly known in practice, and is obvious in principle. It is as follows: Compare the standard value of a given quantity (an ounce for instance) of the pure contents of our silver coin, with the market value, in England, of the same quantity of pure silver. I hold in my hand two statements, obtained from gentlemen perfectly conversant with the subject. The first exhibits this comparison, in a case when the market value in England, is supposed to be 4*s.* 9½*d.* per ounce of Spanish dollars. There is a difference between Spanish and American dollars, which this paper also explains. The second, is an extension of the principle of the first, and shows the apparent loss, but in truth, the real par of exchange, in the several instances, which it enumerates. From these statements, it appears that exchange on England being at fifteen per cent. premium, and Spanish dollars in the English market at 4*s.* 6*d.* per ounce, is really at par, because the bill of exchange of $100, which is purchased at $115, will procure in the English market $115 Spanish dollars—and when dollars are at 4*s.* 9½*d.* in the English market, (which is about the present price,) if exchange on England be below eight per cent., it is below par, and in favor of the United States. I have this day received a letter from a highly respectable gentleman in Philadelphia, who assures me, that a merchant may now purchase a bill of exchange on London with silver, (or notes, for which silver can be obtained,) at the rate of nine per cent. premium, and that when he takes it to England, he will receive for it gold at par, with which he will be able to purchase 109 silver dollars—should the price of silver, continue in England, the same as at the last accounts—thus making the purchase of a bill at nine per cent. premium, actually a purchase at par. The gentleman from Tennessee, therefore, will perceive, that his "eight per cent. premium" on bills, is below par; that he could obtain in England for such a bill, more than he would give for it here, and therefore, according to his views of the subject, the balance of trade must be in favor of the United States.

With respect to the loss of our exports, I think gentlemen are equally mistaken. It was to have been expected, that the causes to which I have adverted, if they did not greatly lessen the amount, would change the character of our exports, and it does not appear to me, that the result has been as fortunate as could have been reasonably expected.

In 1823, the amount of our domestic exports was - - - - -		$47,155,408
Same year, the amount of our foreign exports was - - -		27,543,622
Making in all - - - - -		$74,699,030
In 1822, domestic exports	$49,874,079	
" foreign do. -	22,286,202	72,160,281
Increase - - - - -		$2,538,749

Now, from 1790 to 1816, a period of twenty-six years, it appears (from Seybert, p. 93) that there was but one year when our domestic exports exceeded forty-seven millions; and while our exports of foreign articles has been reduced more than one-half, our domestic exports have remained nearly the same in amount. It is our commerce then that has chiefly suffered.

If it be said, that particular States have lost a market for their grain, and that our exports are principally of cotton, rice, and tobacco, I will ask, if gentlemen propose to remedy that inconvenience by equalizing the relative advantages of different portions of the Union? Must the cotton planter pay to the grower of wheat a portion of his profits to equalize their incomes? If so, some portion of the immense sums received by the latter for their grain during the war, must be brought into the account; for gentlemen will recollect, that when our cotton was lying in our barns for years together, the people of the West were receiving for their flour sometimes as much as thirty or forty dollars a barrel, and that the manufacturers then possessed a complete monopoly of the home market?

It is true, Mr. President, that our march to greatness has been interrupted by impediments, which have arrested our rapid progress. But these are happily not insurmountable, though they can only be overcome by patience, fortitude, and perseverance. We must be wanting to ourselves, however, if this nation does not yet fufil its high destinies.

But, we are told, in the last place, that "commerce and agriculture have been overdone," and it has become necessary to divert a portion of our surplus capital and labor to other pursuits. When we call for the proof of this assertion, gentlemen point to the surplus produce of the country, which they tell us, is "rotting in our barns." But if the flour remaining on the hands of the farmer, proves that "agriculture is overdone," then manufactures must also be overdone, for gentlemen tell us "of large quantities of goods, which are remaining unsold in the hands of the manufacturer," and by the same rule all the pursuits in life, even the learned professions, and the mechanic arts, must be greatly overdone. As to the diminution of exports, so far as this exists, it would just as much prove that manufactures, as that agriculture, or commerce, are overdone; for precisely to the extent to which you supply your wants at home, will be the diminution of the quantity of goods imported, and consequently of the articles sent abroad to pay for them; and this evil must be increased, and not diminished, by the extension of manufactures. The truth is, that we are suffering from general causes, which affect, nearly equally, every department of life, and it is not true, that any branch of industry is peculiarly overdone. From the chaos into which the world has been thrown by the astonishing events of modern times, the political elements have not yet had time to settle down into their appropriate stations. Society only wants time to adjust itself to a new order of affairs. The citizens of the United States have been basking in the sunshine of prosperity—they have revelled so long in the luxuries of wealth and refinement—that they cannot at once become reconciled to a life of patient labor and persevering industry. An honorable gentleman, from the West actually attributes the failure of our manufactures, in a great measure, "to the impatience of the American character," and tells us "that the people are soon disgusted and discouraged." And shall we, sir, adapt our legislation to such a character; or shall we not rather cultivate a national character, which shall be distinguished for patient industry and unshaken perseverance? I would cherish, sir, in the American people,

A towering, and deep rooted strength of soul,
Which, like the oak, might shake in Summer winds,
But stript by Winter, stands immoveable.

Having thus traced to their source the causes of the evils under which the nation suffers, I will proceed to examine the remedy proposed. This consists in the creation by law of great manufacturing establishments. The gentlemen insist, that this employment of labor and capital, is, in the abstract, most profitable, and they consider the value added to the raw material as the exact measure of that profit. I must, at the very threshold of this inquiry, express my astonishment—that gentlemen should overlook the obvious truth, that, if the use of labor-saving machinery rendered manufactures more profitable than other pursuits, labor and capital would, according to an unerring law of our nature, immediately flow into that channel, until the profits should be brought down to the common level. If it were true that labor in manufactures, would produce "ten times as much labor in agriculure or commerce," it would only follow, that the manufactured articles would be reduced to one-tenth of the former prices; and the profits of all pursuits would soon be equalized. This is a conclusive answer to the whole argument in favor of machine labor. But, if the value added to the raw material, (without any consideration of the capital invested,) be the test of the profits of different pursuits, I am inclined to think that agriculture would be found to have an advantage over manufactures. The latter, we are told, adds ten fold to the raw material—the former adds, perhaps, a hundred. The manufacturer, aided by his machinery, converts, by his labor, a pound of cotton, which cost twenty cents, into two yards of cloth, worth two dollars—while the farmer puts a few grains into the earth, which cost him almost nothing, and by the help of his horse and his plough, with the assistance of the elements, (all of which constitute his labor-saving machinery,) produces a hundred, and in some cases a thousand fold. Is his pursuit, therefore, the most profitable? No—the profits will be equalized by the prices—and these will be regulated by an unerring standard, common to all pursuits, viz: the interest on the capital, and wages of labor.

But it has been most earnestly insisted, that we must pass this bill, to encourage home industry, and that manufacturing establishments must be promoted, because the goods which they will furnish, will be the produce of American capital and labor. Gentlemen appear seriously to believe, that nothing is the result of American industry, which is not made at home. Now, sir, I insist, that home industry is as much exerted, and American labor and capital in all respects as much employed in obtaining an article from abroad, as in making it at home. When Great Britain sends to this country her manufactured goods, how do we pay for them? Surely with the produce of our labor. It is true, we may give ten pounds of cotton for one pound of cloth, but then, it costs us no more capital or labor to produce the ten pounds of cotton, than it does the British manufacturer to work up the pound of cotton into cloth. The wages of labor, and the interest on the capital, is the standard of value in both cases; and, as the English laborer works harder and fares worse than the American, we probably get the advantage in the exchange. It will not be denied, that the labor employed in producing the articles which we export, is home industry—neither will it be questioned, that the labor employed in building, equipping, and navigating the ships which carry them to market, is home industry; then, it surely follows, that the goods obtained in exchange for this produce, is the result of home industry, and may most truly be said to be produced by that industry. It can make no difference whatever, whether such articles be made at home or abroad—it will be our interest to obtain them, where they can be procured cheapest. I will illustrate my positions, by stating a case. Suppose a thousand families to be exclusively employed in what the gentlemen on the other side call "home industry," that is to say, some of them are employed in cultivating grain, some in raising sheep, and others in manufacturing cloth. At the end of the year it is found, that, over and above maintaining themselves in comfort, they have accumulated a surplus of ten thousand yards of broadcloth, worth in the market forty thousand dollars. This will be admitted to be "American labor" and "home industry." Now, suppose the same persons to be distributed differently—a part of them are employed in raising articles for food, a part for exportation, and the remainder (as merchants, seamen, &c.,) in transporting the surplus produce to a foreign market, and exchanging it for cloth. At the end of the year, their gains are also summed up, and it is found that, besides maintaining themselves, they have with their surplus produce imported cloth to the value of $40,000. I will ask whether the article thus imported, is not as much the product of home industry as if it had been manufactured in the country? Neither the country nor the individuals would be richer or poorer, whether the cloth was made at home or brought from abroad; while the pursuits in the latter case, being more liberal and diversified, would be calculated to produce a beneficial influence on the national character. But, if the whole labor and capital of the one hundred persons, above mentioned, could, when employed in agriculture and commerce, produce ten thousand yards of cloth, but when employed in the manufacture of the article, could (from the want of skill, and capital, or other causes) produce only five thousand yards, it is manifest that a great loss must be sustained—a loss of no less than one-half of the whole capital and labor employed. Now, if, in such a case, the Government should step in, and in order to make the pursuit profitable, impose such a duty on foreign cloth as would enable the manufacturers to sell the five thousand yards at double price, (viz: for $40,000,) then it is clear that an unprofitable pursuit would be made profitable by a bounty taken out of the pockets of the consumers; and if you extend the system on a large scale, to various branches of manufactures, it is obvious that individuals would not only be taxed, to a great amount, but the nation would be impoverished, by diverting the labor and capital of its citizens, from a more, to a less profitable pursuit.

If it be manifest from this case, (and a hundred others could be put, equally strong) that the question, whether manufacturing at home be preferable to importing, depends altogether on the fact, which yields the most profit, it seems to follow, that it is the interest of the nation, as it is of individuals, to buy where they can buy cheapest, and this requires no legislation. If we can make cloth cheaper at home than we can buy it abroad, we will make it at home; if not, it is our interest to import it. In the case (supposed by the gentlemen on the other side,) of a farmer who had nothing to give for his cloth but grain, which the foreign merchant would not take, I admit that it might be necessary for him to make the exchange where he could effect it, without regard to the price. No such case, however, can exist, for as long as wheat can be exchanged for any thing, it will command money, and if it cannot be so exchanged, its cultivation must be abandoned. Gentlemen deceive themselves greatly, if they suppose that the American manufacturer will take their surplus wheat in payment for his cloth. Manufacturing establishments depend much more on capital than on labor, and though the spinners and weavers may consume flour, machinery and capital certainly will not. The quantity of grain consumed in the country will not be increased by manufactures; nor do I believe that the quantity produced will be materially diminished. The fact is, if there be a surplus of grain, or of any other article, the quantity produced must be lessened. There are a thousand agricultural products of which our soil is capable, to which our attention has not even been turned. A very short time will serve to develop the resources of the country, and open abundant sources of profitable and useful employment, and our citizens will emerge from their present difficulties "like gold purified in the furnace."

I admit, Mr. President, that there are exceptions to the rules I have laid down. I admit, that the munitions of war, and the articles necessary to national defence should be provided at home, no matter at what expense, on the ground that we should not expose ourselves even to the risk of being left, in the event of war, without the means of self-protection. Beyond this, all duties should be imposed merely for the purposes of revenue. It will not, it cannot be denied, that a duty imposed on foreign articles, for the express purpose of protecting the domestic manufacture, is a tax on the consumer.

But, we are told, that, though in the first instance the effect of the system may be to impose a tax on consumers, yet that they will be compensated in the end, by a diminution in the prices; by furnishing a home market for the raw material; and, finally, by extensive exportation of the manufactured article; and here gentlemen confidently appeal to the experience of the country, under the tariff of 1816. It has been repeatedly asserted, in both Houses, that the wisdom of the prohibitory policy has been established by the fruits of that bill; that all the predictions of the Southern gentlemen have been falsified and that it has been demonstrated that, as soon as a manufacture is brought into existence, by the protecting system, the price of the article is diminished, and exportation begins. Sir, I am persuaded that gentlemen have greatly deceived themselves, and the country, on this subject. I apprehend that prices have not materially fallen, and I feel myself well warranted in asserting, that there exists no fact or circumstance which authorizes the statement that cotton goods have been exported to South America to any considerable extent. It is said that the extensive failure of our manufactures after the war, arose from the want of adequate protection. Now, sir, it is not true that this calamity arose from want of protection. If the act of 1816 had saved the cotton factories, and the want of protection had destroyed the woollen, then the failures would have taken place exclusively among the latter. But what was the fact? Why, four-fifths of all the manufactories which failed in New England, were of coarse cotton goods; and in relation to these, the gentlemen admit they enjoyed the benefit of a "prohibitory duty." This fact I assert on unquestionable authority, and it certainly proves that the failures were not the consequence of want of protection. Nor is it true that, in consequence of the act of 1816, prices have fallen so low as to afford compensation for the bounties we have been compelled to pay to the manufacturers. There has been a considerable diminution in the quantity of money; a sound currency has been in a great measure restored, money has therefore increased in value, and property has consequently fallen. The average diminution in the value of land, we are informed, is nearly fifty per cent. and a similar fall has taken place in almost every species of property. Cotton cloths have not, therefore, fallen in price, unless they can now be procured for one-half of what they cost in 1816, and this is certainly not the case. I will put it to the candor of gentlemen, whether coarse cottons can now be purchased as low here as in England. And if not, where is our gain from the fall of prices? Look, Mr. President, at the experience of the country, in relation to the manufacture of two articles; I mean shoes and hats. Has the almost total prohibition of the foreign article, and the monopoly of the home market, lessened the prices? No, sir, we pay more for our hats and shoes than any people on earth, and when almost every article imported from abroad has fallen twenty or thirty per cent., these maintain their prices, immoveable. With respect to the home market for our raw material, I deny that the cotton-growers have yet derived any material advantage from that source; and I am wholly at a loss to conceive how the home market ever can supply the place of the foreign market, in this respect. The quantity of cotton annually produced in the United States is 600,000 bales; of this, the amount worked up in our manufacturing establishments, is about 80,000 bales. Now, if the cotton-growers have found a home market for this quantity, I wish to know if they do not receive goods in payment? and whether they are not, thereby, prevented from importing the same amount of goods from abroad, for which they would have paid by exporting these very 80,000 bales of cotton? If the prices of the goods, therefore, were exactly the same, it is obvious that the cotton-growers would be neither gainers nor losers by the change which has been effected in the course of this trade; but, if they have thereby been compelled to pay a higher price for their goods, then it is clear that they have actually been losers, to the whole amount of the difference. But how, I would seriously ask, is it possible for the home market to supply the place of the foreign market, for our cotton? We supply Great Britain with the raw material, out of which she furnishes the continent of Europe, nay, the whole world, with cotton goods. We sent to England, last year, 448,000 bales of cotton, of which she returned us not more than 50,000 bales, in cotton goods. Now, suppose our manufacturing establishments could make every yard of cloth which we consume, that would furnish a home market for no more than 50,000 out of the 450,000 bales of cotton, now shipped to Great Britain; leaving on our hands 400,000 bales, equal to two-thirds of our whole produce. If our manufactures could supplant the English in the markets of Europe, it might be otherwise. But this idea is certainly too extravagant to be seriously entertained. And are we prepared to cut off the foreign market for two-thirds of our cotton, equal in value to more than thirteen millions of dollars per annum, on the desperate experiment of supplying Europe with cotton goods?

The amount of the bounty paid to the cotton and woollen manufactures, by virtue of the act of 1816, may be estimated by the following striking facts, to which we would call the serious attention of the Senate. The Committee of Ways and Means, in their report of the 30th of April, 1822, noticing "the rapid increase of the manufactures of the country, an increase, which the most sanguine had not anticipated," take a view of the effect on the revenue, and remark, that—

"In the year 1818, the imports of cottons and woollens amounted to - - -	$20,804,188
"But, in 1820, only to - - - -	8,980,074
Making a difference, in two years, of	15,824,113

"A loss to an extent no human being could have foreseen."

In 1819 the imports of woollen and cotton amounted to - - - - -	$24,804,188
1819 - - - - - - -	16,555,399
1820 - - - - - - -	8,988,074

Thus it appears that, under the operation of this "wonder-working system," we lost in one year upwards of eight millions of our imports, and the next year sixteen millions, making, in two years, twenty-four millions of dollars, with a loss in revenue equal to six millions of dollars. But it has been most earnestly insisted that we have derived ample compensation for these losses by the exportation of our cotton goods to South America. Now I call for a statement of the nature and amount of such exports. In the absence of all proof, I would rely with great confidence on circumstances to show that the gentlemen have mistaken their sanguine hopes for undoubted facts—the first is, that it is, from the very nature of things, highly improbable that we should successfully compete with Great Britain, in foreign markets, in respect to these manufactures, which can only be sustained at home, by protective duties of from twenty-five to one hundred per cent. Is it not absurd to talk of entering into competition with the English abroad, if we cannot do it at home? Indeed, what are our advantages over the English? Their machinery is carried to the greatest possible perfection—their skill has been matured by knowledge and extensive experience—prodigious capitals have been accumulated by the successful trade of centuries—and the wages of labor are so low, as barely to sustain the artist; surely, with these advantages, it is idle to suppose that we will be able to drive the English out of any foreign market. At home it may be different, and, in respect to these articles, which are chiefly produced by labor-saving machinery, and for which we possess the raw material in abundance, the protection necessarily afforded by our revenue system, and our distance from Europe will, I doubt not, enable us to enter into successful competition with foreigners. As to our exports to South America, it may be true, that a few cargoes of cotton goods have found their way to this country and to Mexico. But this has probably arisen from the unsettled state of those countries; or we may have sent those goods merely as the means of paying (at a price, perhaps, below their cost) for articles imported from thence, and expected to be sold here at extravagant profits. I have carefully examined the official documents, for the purpose of ascertaining the kind and quantity of cotton cloths exported to South America. I find, from the report of the Secretary of the Treasury, that the quantity is not sufficiently great to be classed under a separate head. But the whole amount of exports of American manufactured articles, of every description, to South America and Mexico, is as follows, viz:

Spanish South America and Mexico -	$227,520
Honduras, Campeachy, and Musquito Shore - - - - - - -	6,595
Brazil and Portuguese colonies - -	38,281
Making - - - - - - - -	272,396

While our exports of foreign goods to those places amounted to four millions.

What portion of this $272,000 consisted of cotton goods we are not informed. I should suppose it could not exceed one-third; taking it, however, to be one-half, it would only amount to $130,000, in round numbers; and this is the immense exportation of cotton goods to South America, about which so much noise has been made. Why, sir, we imported last year nearly as much cotton from South America, and a cargo of wheat was brought from Europe to New York. But does this prove that South America can supplant our cotton in the home market, or that Europe can supply us with wheat? No, sir, these cases prove nothing; they are mere exceptions to the ordinary course of trade.

Having now examined this system of "home industry," I will proceed to look at some of the "examples" on which gentlemen have relied in favor of their scheme. The example of England has been triumphantly appealed to. It is not a little strange, sir, that gentlemen who are accustomed to hold up British institutions, to our scorn and contempt, should now appeal to British example, for the purpose of supporting a policy which they venture to call "American." But England, it seems, has grown great by her restrictive system. If this were true, I would ask, if her greatness affords evidence of the happiness of the people? But it seems that her subjects are prosperous—we have been edified by an eulogium even on her "Poor Laws," and are gravely told that the paupers of England, "have ruddy complexions, and eat beef, and drink tea." Sir, I would not exchange the condition of our hardy sun-burnt yeomanry, enjoying a rustic independence on their own farms, for that of the most pampered menials, or well-fed paupers Europe could produce. The gentlemen seem to think, that the only standard of national welfare is money. Now, I do not underrate the advantages of wealth and power, but I consider the happiness of the people as of infinitely more importance, and am inclined to believe that whatever may be gained in riches or in power, very little addition will be made to the substantial happiness of the people, by enticing them from the cheerful walks of agricultural industry into the gloomy walls a manufactory. The large capitalists of our country may have their incomes enlarged, and their political influence increased, but the laborers will never receive more than very moderate wages. The ablest political economist in Europe now tells us, that Great Britain has become great, not in consequence of, but (to use the language of Lord Liverpool) "in spite of her restrictive system." If gentlemen reason so illogically as to contend that because England is rich, and great, and prosperous, therefore, she has become so from her prohibitory system, may we not, by the same course of reasoning, prove that she has grown great from her monarchical principles, her orders of nobility, or her military, naval, and church establishments? I doubt not her poor laws have had as much influence in this respect as her corn laws. Sir, England is indebted for all that she possesses to the patient industry of her people, her excellent judiciary, her astonishing triumph in science, in arts, and in arms, and her extensive commerce; which has rendered all the world tributary to her greatness. She owes no portion of her prosperity to her restrictive system. Gentlemen will pardon me, when I declare, and I do it in the face of their assertions to the contrary, that the whole history of Great Britain demonstrates the impolicy, nay the folly and absurdity of the system we are now about, on the strength of her example, to adopt. It is emphatically true, that all her manufactures most protected by laws, have advanced least, while those which have been neglected have prospered most. Silk, the creature of bounties, and nourished and sustained by prohibition, is still in a languishing condition. Linen, the next in order of protection, is next in the order of success. Woollen being less protected than these, has advanced beyond them. But cotton, which has been of all others the least favored, has flourished most of all. To prove this, I will refer at once to the highest authority, the official statements of the Chancellor of the Exchequer. Here are his words, taken from a speech, delivered not two months ago, in the British Parliament:

> "Now, at this part of the question, I beg the attention of the committee, whilst I trace the progress of the cotton manufacture, and I do so because I feel, and, indeed, it cannot be doubted, that the arguments which now are applied to the change in the silk, would then have been applicable to the cotton manufactures. I know of nothing in the history of commerce—I am not acquainted with any thing in the history of our

manufacturing prosperity, that can at all compare with this. It is perfectly true that forty years ago the manufacture of woollens was the great staple trade of this country. In the year 1780, the whole exports of our cotton manufactures did not amount to more than £350,000. In 1785, which was two years after the peace, and when the commerce of the country had in some measure recovered from the difficulties of war, the whole extent of our cotton exports, of every description, did not exceed £864,000, whilst, at that period, our woollen exports amounted to £5,000,000; the proportion between the two commodities being at that time five to one. But how stands the case at present? Why, sir, from that period to the present, that is, from the year 1785 to the year 1822, the cotton exports have arisen to the incredible amount of £33,337,000, [loud and continued cheers,] which is more than forty times the amount of that period. I am now of course speaking of official duties [hear, hear!]. But with respect to the woollen manufactures, the great staple trade in former times in this country, it does not now amount to more than £6,000,000, being not so much as one-fourth the amount of the exports of cotton [hear, hear!]. Why then, when I see the preeminent advantage which arises from the circumstance of allowing the capital to run in a free and unrestricted channel [loud cheers;] when I contemplate the benefits which the country has derived from the application of sound principles to this single branch of commerce, am I not justified in endeavoring to prevail upon the committee to extend those principles which have produced such invaluable results? [cheers.]"

Now, sir, am I not fully supported in the assertion that the example of England is decisive in our favor? England is now wide awake to her errors on this subject, and when she is painfully retracing her steps, are we to commence the same unprofitable journey? Let me entreat gentlemen to pause and consider how much more easy it is to find our way into a labyrinth, than when there, to extricate ourselves from its mazes. The British Parliament are, at this very moment, engaged in propositions, submitted by the Ministry and supported by the Opposition, to take away the bounty on linens, and to promote the manufacture of silk, by introducing foreign competition. Indeed, so universal is the conviction in that country, of the impolicy of the restrictive system, that we are assured by the Chancellor of the Exchequer, "that for some time past there has prevailed in that country, amongst its ablest statesmen and most eminent writers, indeed among all men of sense and reflection, a decided conviction that the maintenance of the prohibitory system is exceedingly impolitic," and he concludes with the expression of a hope, of "yet seeing unrestricted industry." Let us for a moment, Mr. President, compare the woollen and cotton manufactures of England. It is no answer to our argument to say that the latter have derived some benefit from the restrictions on foreign cottons, for it will be seen that woollen has received tenfold more protection than cotton goods; and their relative progress, therefore, affords a decisive test of the efficacy of the protecting system. Wool was, of old, the great staple of England, and from the earliest periods, received the protection of the laws; whilst the manufacture, and even the use of cotton goods was totally prohibited. Even the dead could not be buried, except in woollen; a regulation, the remembrance of which has been perpetuated by Pope's celebrated lines in illustration of "the ruling passion strong in death."

When, at a later period, the manufacture of cotton goods was permitted, the raw material was burdened with a heavy duty, and an oppressive excise was imposed on the manufactured article. The jealousy, however, of the cotton manufacture began at length to wear away, and about forty years ago it was relieved from its burdens I think by allowing a drawback on the excise. Up to that period, wool had been uniformly protected and cotton oppressed, and for the very reason now given by the advocates of this bill, because "the raw material was to be found at home." Now, how stands the account between these two articles? Why, sir, I have shown that while the woollen manufactures have advanced from five millions of pounds sterling to six, the cotton have progressed from less than one to thirty-three millions.

The gentleman from New Jersey has next appealed to Spain and Holland, as affording living examples of the evils of unrestricted industry. Sir, in my humble judgment the experience of these countries is decisive against him. So far from its being true that Spain has adopted the free system for which we contend, she always has been fenced round by restrictions. "Five centuries ago, even as far back as 1271, (says the intelligent Count De La Borde,) mention is made of the taxes levied on the cloth of Flanders, Paris, &c., their prohibition was the subject of the rescript of the 2d September, 1494." Notwithstanding restrictions of this kind, however, which have been continued to the present period, we are informed (on the authority of Bourgoanne, a distinguished traveller, formerly French Minister Plenipotentiary at the Court of Madrid) "that there are only two manufactures of fine cloth in all Spain, though Spain produces the finest wool in Europe, and though, to favor the manufactures there, a heavy export duty has been imposed on wool, and a very heavy duty on imported cloth." The same writer also mentions that the looking-glass manufacture of Ildefonso, in Spain, could not succeed, and was abandoned, though patronized at vast expense by the Government, which prohibited the introduction of any other glass within a circle of twenty leagues. Spain, then, furnishes, in her example, no argument in favor of the regulating policy.

As to Holland, the gentlemen hold her up triumphantly, as the only nation which ever has acted on the principle of the perfect freedom of trade, and the unrestricted employment of labor and capital, and they seem to take it for granted that the consequence must have been disastrous to that country. But what is the fact? Holland has enjoyed the benefit of free institutions, and her people have not been surpassed in general prosperity by any on earth. Look at that country, sir, rescued from the ocean, the very soil on which the people tread—a conquest, not obtained in a day by force of arms over a mortal enemy, but achieved, by unexampled fortitude and perseverance, over the boisterous elements. Are her merchants poor? Sir, their wealth is proverbial—and what is the condition of the mass of her people—for this, after all, is the only test a republican can acknowledge of national welfare? Sir, I will appeal to the latest traveller in that country—to our fellow-citizen, the amiable and learned Professor Griscom, of New York—what does he tell us? Why, "that he was every where forcibly struck with the healthy and fine appearance of the people." He observed, "a general taste for science and a diffusion of learning;" he witnessed every where "the triumph of industry and of art," and even, when he brought Holland into comparison with France and Switzerland, through which he had recently passed, he assures us, "that he was so strongly impressed with the extraordinary evidences of industry, skill, and neatness, that even the monotony of the general level did not offend him;" and yet he saw Holland when not recovered from the continental system and French misrule.

I come now, Mr. President, to the examination of the probable effects of this bill—

1st. On the revenue.

2d. On the manufactures themselves; and

3d. On the cotton-growing States.

On the first point, it appears, from a statement submitted to the other House, by one of our most intelligent merchants, (Mr. Cambreleng,) and printed by the order of that House, (Document No. 72,) that the bill, in its present shape, will prohibit the importation of goods to the amount of $26,000,000, and cut off $8,000,000 of our revenue. The cotton goods alone, which this bill will exclude, will amount to $7,000,000, the present duties on which amount to $3,000,000. These estimates are supported by the memorial of the merchants of Portland, (who assure us, that the bill will affect the revenue to the amount of $8,000,000,) and by the report of the Secretary of the Treasury, in 1820, who, when called upon to state what the effect of prohibitory duties would be on three articles only, viz: cotton, woollen, and iron, answered, that it would impair the revenue to the amount of $6,000,000. Such will be the effect of the bill, should it operate as a prohibition, and if it should not lessen importations, it will impose a tax of $8,000,000, without producing the smallest advantage to any one.

I will next take a brief view of the probable effect of this bill on the cotton-growing States. The people in these States are in the practice of purchasing almost all their supplies from abroad, and directing their whole attention to the cultivation of cotton. With respect to all the articles of our consumption, in relation to which this bill proposes to levy additional duties, there can be no doubt that its operation will increase the price to the consumers. But, this will be the least dangerous and oppressive effect of the measure. It threatens us with the total loss of our market for cotton, rice, and tobacco. When we consider the magnitude and importance of this trade, in a national point of view, I should suppose gentlemen would pause before they adopted any measure which could possibly hazard either its total loss or material diminution.

The whole amount of our domestic exports the last year, was $47,000,000. Of this, cotton alone amounted to $20,400,000—and the three articles of cotton, rice, and tobacco, to $28,500,000—more than two-thirds of the whole amount of our exports. Is this to be lightly and rashly put in jeopardy? But we are asked, whether we believe that the English purchase our cotton from friendship, and whether they will be so blind to their own interests as to retaliate upon us? And the gentleman from Missouri, with great emphasis, has declared "that they dare not do it." Sir, I know there is no friendship in trade. But, though nations are never influenced by sentiments of kindness towards others yet animosities are sometimes indulged beyond any sound view of their own interests. National pride and resentment, as often as the ambition of rulers, have engaged nations, in what one of our most revered statesmen has called "the unprofitable contest of trying which can do the other the most harm." All systems of retaliation are of this nature, and our own experience affords, unhappily, several memorable examples of this spirit. England may, therefore, in the spirit of vengeance or of self-defence, engage in a system of retaliation from which both parties may suffer. Is she not already threatening us with discriminating duties on our cotton? And is this bill at all calculated to remove her complaints? But may we not actually make it the interest of Great Britain to pursue that course? If we prohibit the importation of British goods, may it not become the interest of Great Britain no longer to take our cotton, if she can obtain the same article from other countries which will receive her goods in return? If the United States was the only country on the face of the globe that could produce the article, the case might be very different, and England, by resorting to a circuitous trade, might obtain the means of paying for our cotton. Yet a direct trade, which consists in the simple exchange of the commodities produced at home, is in general the most profitable; and undoubtedly, when such a trade can be carried on to the full extent of the productions of any country, no temptation can exist to seek, in a circuitous channel, for the means of disposing of our produce. No trade can be more profitable than that which is carried on between the United States and Great Britain, consisting, as it does, in the exchange of those productions, which, from our peculiar situation, we can most profitably raise for those which her condition enables her most conveniently and cheaply to produce. But should we prohibit the importation of her goods, and she can obtain cotton elsewhere, it will become her interest to supply herself with this article, from those countries which will take her goods in payment. Suppose a British ship to be employed in that trade, if we do not take British goods, she may be compelled to come out in ballast, thereby losing the freight of the outward voyage; but should the same trade be carried on to Brazil, or any other country which will take British goods, such a ship would carry out a cargo of goods, and exchange them for cotton. Can any one hesitate in deciding which of these two would be the most profitable trade to Great Britain? Interest, therefore, as well as resentment, may dictate the course we deprecate. But there is another view of the subject which forces itself irresistibly on my attention; the truth is, that the cotton planters of our country are at this moment engaged in a fearful competition with foreign nations for the possession of the cotton market of the world. The general peace has excited, to the very utmost, the dormant energies of mankind. In commerce our ships are struggling for their existence, and our farmers and planters have certainly no right to expect to escape a similar contest; a contest in which they will assuredly not come off victorious, if the Government shall interfere to keep down their exertions. They are engaged in a glorious race, in which a single pound weight may deprive them of the victory. We have since the peace brought down the price of cotton to the very lowest sum for which it can be profitably raised. As a proof of this, the returns of the last year exhibit an increase in quantity of thirty millions of pounds and a diminution in price of $3,500,000. Now, I would seriously ask my friends, whether this is a period when additional burdens ought to be imposed on the cotton planter? Loaded with debts—contracted during that period of general jubilee, which the people of the United States for so many years enjoyed, with habits of expense rendered almost sacred by the hospitality and kindness with which they are dignified, you propose to bear him down, at the very crisis of his fate, by onerous taxes, odious duties, and oppressive regulations. You will not only increase the expense of every thing he consumes, but you embarrass him in the sale of his productions; compel him either to give an extravagant price for the very clothing of his cotton, or to use an article which will secure a preference to his rivals in every market in Europe. You propose to levy heavy duties on all those articles which he is accustomed to receive in payment for his cotton, and thereby make it the interest of his customers to purchase from his rivals; and you accompany all this by regulations, which, affecting the shipping interest, must greatly increase the expense of transportation. After this, is it surprising that we should feel much anxiety, and manifest great apprehensions of danger? It is easy, sir, for those who do not partake of our dangers, to deride our fears. But let me assure gentlemen that these fears are entertained, not only by the wise, the prudent, and the brave among ourselves, but the unanimous voice on this subject has been re-echoed by all men of intelligence (acquainted with the course of trade) in every part of the United States. Look at the memorials. There is not one, from the Southern States, which does not hold this language. The merchants and tobacco planters of Virginia have warned us of our danger; the merchants of Baltimore have told us, "that if we do not buy British manufactures, she cannot be our customer for the produce of our country," and the Chambers of Commerce of Philadelphia and New York, (composed of some of the first merchants in the world,) have raised their warning voices, in the most emphatic language, in behalf of the cotton planter. Is all this to pass for nothing? Are we still to be told that our fears are idle, and the dangers imaginary? Sir, I will borrow the language of a learned writer on this subject, and say, "let gentlemen look to 'it—they are not threatening us with a system of 'unjust taxation merely—but with the annihila'tion of our staple commodities; not with taxa'tion but destruction." But we are told that the people of the South enjoy a great advantage in the value of their exports, while the corn growing States cannot find a market for their grain; gentlemen speak of us as the favored of the land, and seem to think it only common justice that our "princely fortunes," and "large incomes" should, in some way or other, be shared with our less fortunate brethren. Now, sir, if it were true that the Southern States did enjoy these pre-eminent advantages, would it follow that any part of their wealth, however small, could be lawfully taken away for the especial benefit of any other part of the Union? Our advantages, whatever they may be, are the result of climate, soil, and peculiar situation; they are the bounties of Providence, and we cannot be deprived of the smallest portion of them, on any principle which would not justify an agrarian law. For our fertile soil, and genial climate, we have paid the price, in great sacrifices of health, of comfort, and of life itself. Even our slave institutions, which gentlemen almost seem to envy, are upheld at a sacrifice of comfort and feeling, which gentlemen are not disposed to estimate. But if the South does, in fact, hold out so many advantages, our doors are open—let gentlemen come and share them freely—we will receive them as brethren, and they shall have our free consent to become nabobs as soon as they please. But let them not expect to share our profits, without breathing the atmosphere of our swamps, and panting under our Summer's sun; without, in a word, paying the price which we pay for them. But I assure gentlemen they are greatly deceived. The people of the South are in no better condition than the rest of their fellow-citizens. They have their full share of debts—of diminished prices—habits of expense, and every other evil, (except, perhaps, paper banks, and a depreciated currency,) which are so severely felt in other parts of our country. I am sorry to be compelled to say, that this bill is so framed as to bear with peculiar severity on the Southern States; to whose feelings almost as little regard seems to be paid as to their interests. Cotton bagging, osnaburgs, plains—articles consumed almost exclusively in that portion of the country, are objects of the special vengeance of the law. Let us examine for a moment this duty on cotton bagging. Here is a manufacture, the raw material of which abounds at home; there is hardly a spot from Florida to

Canada which will not produce it abundantly. The manufacture requires neither skill nor capital, nay, we are expressly told, from the highest authority, "that the buildings used for the purpose 'are of the slightest kind, much resembling rope-'walks; the hands, for the most part, small negro 'boys and girls; and the weavers all negroes, or 'common laborers."

Sir, whatever may be said of other articles in this bill, it is certain there is no plausible pretext for protecting cotton bagging. The honor, the independence, the defence of the country, do not depend on cotton bagging. It is an article easily made, which requires neither skill nor capital, and which could on no principle claim protection, except, indeed, it should be deemed just and expedient to advance one part of the country at the expense of another. Let me, for the sake of example, show the practical operation of this duty on the city of Charleston, from which some idea may be formed of its injurious effects on the cotton growing States. It appears, from the statements of the Charleston Chamber of Commerce, which have been printed and laid on our table, that there was imported last year into that place, 18,500 pieces of cotton bagging, which cost, on an average, $8 50 per piece, equal to $157,250.

Now it appears from a calculation, which I hold in my hand, and which is at the service of gentlemen, that the difference between the present and the proposed duties on this amount, is upwards of $30,000. And thus, it appears, that on the cotton bagging imported into a single city, this bill proposes to add $30,000 per annum to a tax already sufficiently high for every legitimate purpose. By extending the calculation, it will be easy to show that the Southern States will be taxed on the single article of cotton bagging, to the amount of upwards of $200,000 per annum. But we are assured "that the planter does not pay this tax, as he gets it refunded when he sells the cotton." Gentlemen may be satisfied that there are very few exceptions to the rule that the consumer pays the duty; and who is the consumer of cotton bagging but the planter, who, in clothing his cotton with it puts it to the only use for which it was designed? But the practice in Europe is to allow a tare for the weight of the bag; and even if this were not the case, we may be satisfied that neither the merchant nor the manufacturer would consent to pay for an article which could be of no use to them; and, therefore, if the bagging should be included in the weight, it would be deducted from the price of the cotton. But gentlemen take higher ground, and owning that this duty is "intended to be protective and prohibitory," tell us that "it is only an equivalent for the three cents per pound on imported cotton." We have, Mr. President, been so constantly taunted with the protection which the South has received in the duties on cotton, tobacco, and sugar, that I must be permitted to notice these arguments in this place. It is not true that the duty of three cents a pound on imported cotton was intended to encourage the growth of it, nor that it has, in fact, afforded any protection whatever to that article. The duty was laid prior to the year 1790, when not a pound of cotton was raised in the country, and when none was expected to be raised, and it was merely introduced for revenue, into a bill, which imposed duties on articles imported into the country. It has been stated that the price of cotton was then about twenty-five cents, and if so, the duty was only twelve and-a-half per cent; but, even at the present reduced prices, it is less than twenty-five per cent.; which is actually below the average amount of duties imposed solely with a view to revenue. We deny, positively, that it has afforded us any protection whatever. From our climate, our soil, and our skill and experience in the culture of the plant, we can afford to sell, and actually do sell, cotton, in foreign markets, as cheap as any country in the world. From the moment a pod of cotton was raised in the country, it was seen that competition with us in the home market was entirely out of the question, and it made no manner of difference, whether the duty on the foreign article was one cent or twenty. But when we can export such immense quantities of cotton, and undersell all other nations in foreign markets, where we have no protection, is it not absurd to talk of our deriving an advantage from protection at home? There never has been a period when this duty excluded a single pound of foreign cotton, and if gentlemen will only consent to abandon the tariff bill, we will agree that the duty, of three cents a pound on cotton, shall be taken off immediately.

Now, as to tobacco, the case is precisely the same. The duty is only fifteen per cent., much below the average rate of duties; and in respect to the duties on manufactured tobacco, gentlemen are altogether mistaken in putting that down to the debit of agriculture; the manufacturer, of course, derived that benefit, and it is notorious that Spanish tobacco is chiefly used in the manufacture of snuff and cigars.

The argument of the protection extended to sugar, is more plausible. But it is certain that the duty was imposed merely for revenue, and the protection, if any, has been merely incidental. It was a duty of twelve and-a-half cents per pound, then equal to about twelve and-a-half per cent., and was imposed before Louisiana was acquired, and when no sugar was raised, or expected to be raised in the country. It is true that, in 1816, the duty was increased to three cents, but this was done by the friends of manufactures, notoriously for the purpose of reconciling certain gentlemen from the South to that bill; and perhaps it was right, when extending protection to manufactures, for the friends of the system to extend bounds to other pursuits. Having done this, however, from motives either of policy or justice, it is hardly fair to upbraid us with it. Are not gentlemen, in spite of our protests, proposing to extend further protection to cotton, and to give bounties to the growers of oranges and limes? And I doubt not that, at a future day, this bill will be held up as affording protection to the South. Upon all of these items, I will make a general remark, that, if gentlemen will consent to arrange the tariff exclusively with a view to revenue, and it shall be found, on examination, that the duty on cotton, tobacco, and sugar, is unreasonably high, we will freely consent that they shall be put on a footing of perfect equality with other articles. Before I leave this branch of the subject, permit me, Mr. President, to say one word as to the protection extended to the shipping interest, on which the gentlemen on the other side have descanted so largely and extravagantly. I am not unwilling to admit that some of the laws alluded to may have been designed to promote navigation, with a view to the increase of the number of our seamen. This, if justifiable, can only be vindicated on the ground of the necessity of rearing up a race of men essential to the support of a navy, and consequently the defence of the country. I am not prepared, at this time, to enter into the inquiry, how far the object would justify a bounty to ships. But I will say that, in a national point of view, it is one of vast importance. Invasion cannot be kept from our shores but by a navy, and though the yeomanry of our country would, doubtless, at all times, be able to hurl destruction on any foe who shall venture to march into the interior, yet this might be at an immense sacrifice of men and of money. The true policy of America is to keep the enemy at the door, and to carry on the war on the ocean. Our sailors already amount to seventy thousand—well-disciplined men, certainly surpassed by none—all of whose services we could command in any emergency. I doubt whether this body of men do not add more to our strength than a regular army of the same amount, and they are maintained without expense, and without the smallest danger to our liberties. It cannot be necessary to add any thing to what has been said with so much perspicuity and force, by the gentleman from Massachusetts, on this point. I shall content myself, therefore, with the observation, that, whatever objection may be applicable to the acts in relation to the shipping interest, and however correct it may be to repeal any or all of them, still it is capable of demonstration, that our shipping interest has been more burdened with taxes than our agriculture or our manufactures. The whole amount of domestic products, exported free of duty from 1791 to 1823, was, on an average, $37,330,865 per annum. It appears, from the report of the Secretary of State, made in obedience to a call of this House, that there are goods manufactured in this country, which, if imported from abroad, would, at the present rates, pay duties to the amount of $42,000,000 per annum. These are also duty free. But, is there a single operation of commerce which is not taxed? According to a statement which I have prepared, it is manifest that, if every act of Congress in favor of the shipping interest did operate as a bounty, which has been shown not to be the case, it would only amount to about one million and a half of dollars a year, while the duties imposed on articles used in ship building alone, amount to more than double that sum.

Will gentlemen suffer me to ask them to point out to me, if they can, the power which this Government possesses to adopt a system for the avowed purpose of encouraging particular branches of industry? The power to declare war may involve the right of bringing into existence the means of national defence. But, to tell us we have a right to resort to theoretical speculations as to the most convenient or profitable employments of industry, and that you can, by law, encourage certain pursuits and prohibit others, is to make this not merely a consolidated, but an unlimited Government. If you can control and direct any, why not all, the pursuits of your citizens? And if all, where is the limitation to your authority? Gentlemen surely forget that the supreme power is not in the Government of the United States. They do not remember that the several States are free and independent sovereignties, and that all power, not expressly granted to the Federal Government, is reserved to the people of those sovereignties. When I say expressly delegated, I wish to be understood that no power can be exercised by Congress which is not expressly granted, or which is not clearly incident to such a grant. Now, when we call upon gentlemen to show their authority, they tell us it is derived from the authority to "regulate commerce." But, are regulation and annihilation synonymous terms? Does one include the other; or are they not rather opposites, and does not the very idea of regulation exclude that of destruction? I rejoice, sir, to find that gentlemen refer us to commerce; for the very clause which expressly confers the right to regulate commerce, by saying nothing of the regulation of manufactures or of agriculture, or home industry, seems to demonstrate that they were intended to be put beyond our control, and to be reserved to the people of the States respectively. But our opponents gravely inform us that this is a bill to levy imposts, and that it is, therefore, within the very letter of the Constitution. True, sir, if imposts were the end and aim of the bill. But, surely, gentlemen will not attempt to justify a departure from the spirit, by an adherence to the letter of the Constitution! Will they contend that we could, by law, adopt and enforce the Chinese policy, and by virtue of our authority to regulate commerce, interdict all intercourse with foreign nations? And if you could not do that directly, can you accomplish the same thing indirectly, by levying such imposts as will produce the same result? It may be difficult to draw the exact line which divides the lawful exercise from the abuse of authority—where regulation ceases and unconstitutional prohibition begins. But it is certain, if you have a right to prohibit the importation of cottons and woollens, and cotton bagging, for the encouragement of domestic manufactures, you may, whenever you please, prohibit importations, and shut up your ports entirely. An embargo can only be justified as a branch of the war power, and I think no one will contend, at this day, that a general and perpetual embargo could be lawfully laid. If it be sufficient to adhere to the letter without regard to the spirit and intent of the Constitution; if we may use a power granted for one purpose for the accomplishment of another and very different purpose, it is easy to show that a Constitution on parchment is worth nothing.

I must be permitted, while on this topic, to declare that, however this bill may be modified, still the system is one against which we feel ourselves constrained, in behalf of those we represent, to enter our most solemn protest. Considering this scheme of promoting certain employments, at the expense of others, as unequal, oppressive, and unjust—viewing prohibition as the means, and the destruction of all foreign commerce the end of this policy—I take this occasion to declare that we shall feel ourselves fully justified in embracing the very first opportunity of repealing all such laws as may be passed for the promotion of these objects. Whatever interests may grow up under this bill, and whatever capital may be invested, I wish it to be distinctly understood that we will not hold ourselves bound to maintain the system; and if capitalists will, in the face of our protests, and in defiance of our solemn warnings, invest their fortunes in pursuits made profitable at our expense, on their own heads be the consequences of their folly. This system is in its very nature progressive. Grant what you may now, the manufacturers will never be satisfied; do what you may for them, the advocates of home industry will never be content until every article imported from abroad, which comes into competition with any thing made at home, shall be prohibited; until, in short, foreign commerce shall be entirely cut off. If we go on in our course, the time is at hand when these seats will be filled by the owners of manufacturing establishments; and do you believe that, when a numerous party here, supported by millions of people without, collected together in vast masses in particular districts, shall call upon you with one voice "for a monopoly of the raw material at their own prices," and shall quote you British authority for their demands, you will dare to refuse? Will you, then, seeing your error, retrace your steps? I fear not. If this language be not now held, is there no ground to fear that men, who have tasted the sweets of your bounties, will soon be found looking to prohibition and monopoly?

Examine, sir, the memorial of Samuel Slater, and others, of Providence, Rhode Island, presented to the Senate at the present session, and printed among our documents, (No. 13.) In page 5 of this memorial we are told—

> "That a brief view of the policy of the British Government, in regard to manufactures," &c., will "indicate the proper measures to be taken by this country, for the security of its own agriculture and manufactures."

The memorial, proceeding to explain this policy of the British Government, states, that—

> "By prohibiting, under penalties, which in some instances touch the life of the offender, the exportation of the raw material of these manufactures; thus giving to the manufacturers at home the monopoly, at their own prices, of those materials, the British Parliament has effectually secured to their own subjects the whole labor of preparing them for the market. The general policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the productions of the raw material for manufacture, to the actual demand, and, in some instances, to less than the actual demand of the manufacturer."

Again:—

> "But the monopoly at their own prices, of the raw material, &c., and the exclusion from the home and colonial markets of all goods of foreign manufacture, are not the only encouragements extended by the British Government to the domestic manufacturer—the system receives a new impulse from drawbacks, bounties, &c."

As a proof of the effect of this system, it is stated in page 9—

> "That the quantities of wool composing the raw material, are bought by the manufacturer at from 6*d*. to 9*d*. sterling the pound, and would, if they could be exported free of duty to this country, command from 22 to 35 cents per pound."

Sir, I cannot suppose that these memorialists (who are very respectable men) intended to hold up these monstrous regulations for our imitation; but that they should have been noticed in any language except that of strong indignation, and just reprobation, fills my bosom with serious alarm. The history of Mr. Samuel Slater (who has taken so much pains to make us acquainted with the British policy, in order to indicate the proper measures for us to pursue) is so very curious and instructive, I will notice it as affording the most conclusive evidence that the cotton manufactures are now, and have been for thirty years, one of the most profitable pursuits in this country. I will give it as I received it from several persons in the neighborhood of the place where he resides, and if I am in any respect incorrect, I will thank the honorable gentleman from Rhode Island to put me right. Mr. Slater was an Englisman, bred up a manufacturer, who came to this country upwards of thirty years ago, entirely destitute of funds, or with very slender means. He almost immediately commenced the manufacture of cotton cloth on a small scale, and gradually enlarged his business, until he became the owner of an extensive manufacturing establishment. From that time to the present he has, without intermission, pursued the same trade, and has entered into no other business; and he is now the proprietor of several large establishments, has built up a beautiful village around him, lives in an elegant mansion, has brought up his sons to his own business, and is supposed to be worth, clear of the world, half a million of dollars. He is an honest man and a worthy citizen, highly respected by his neighbors, and presents one of the most splendid examples of successful industry to be found in any country.

Will the gentlemen, after this, tell us that the cotton manufactures were brought into existence by the act of 1816, and must have perished without the aid of that act; or will they venture to assert that skill and prudence, aided by adequate capital, cannot now render profitable a pursuit which has, for thirty years past, handsomely rewarded the labors of this worthy man? One such case speaks more than volumes.

This bill, Mr. President, should it pass, in its present shape, will be inevitably fatal to the manufacturers themselves. It will produce a reaction in the public mind, and they will be swept away before the indignation of the people like chaff before the wind. But this is not all; the idea of a bounty—the very name of protection will invite adventurers, from all quarters, to engage in manufactures, and the business will be grossly and enormously overdone. Sir, I am not unfriendly to manufactures—I shall rejoice to see them rise up gradually, growing with the growth, and strengthening with the strength, of the country; but I wish them to spring up naturally, to arise out of a state of things favorable to their progress, and not to be brought into premature existence by a stimulating process. I do on my conscience believe, that, without any law on the subject, manufactures are advancing, and will continue to advance, as rapidly as the interests of the country require. It must be remembered that we possess only a limited quantity of capital and skill, and, to advance beyond these, will expose us to the danger of introducing ignorance and extravagance into pursuits, the success of which depends on the utmost skill, prudence, and industry. I have taken, Mr. President, some pains to obtain correct information as to the present state and future prospects of our manufactures, and I most deeply regret that gentlemen, who tell us of their languishing condition, had not examined, as I have done, twenty or thirty manufacturing establishments, and beheld the evidences of their prosperity. If the gentlemen had ascertained that some establishments had yielded a clear annual profit of twenty per cent. to their proprietors; that the stock of manufacturing companies is, in some places, fifty or sixty per cent. above par; if they had known that manufactures are advancing with a rapidity unexampled in the history of the world; and that, in a single State, manufacturing companies, with a capital of five millions of dollars, were last year incorporated, I must believe they would hesitate in adopting a measure, founded on the presumption that our establishments are all "falling into decay." Sir, I may be deceived, but I am thoroughly convinced that the cotton manufacture is the most flourishing branch of industry in the whole country; and though the woollen, iron, and glass, have not been equally prosperous, still, that they now afford reasonable profits, when conducted with skill, prudence, economy, and adequate capital. And it is surely absurd to suppose, that, where these are wanting, any bounties can make such pursuits profitable. Sir, I have not, on this subject, relied exclusively on my own judgment or observation; but I have sought information from the best sources, and beg leave now to submit to the Senate a few facts and statements in support of the opinion I have ventured to express, and for the correctness of some of which I will appeal to my honorable friend from Massachusetts, (Mr. LLOYD.)

The danger, then, is not that manufactures will not advance with sufficient rapidity, but that their march may be too rapid for the condition of the country, and their own permanent prosperity. No great interest of any country ever yet grew up in a day—no new branch of industry can become firmly and profitably established, but in a long course of years. Every thing, indeed, great or good, is matured by slow degrees. That which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers, gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself. They can only be formed by time, which is the perfection of all things—"force nothing" was the maxim taught us by WASHINGTON himself. Sir, it is with increased reverence for the character of that great man that I discover, daily, new proofs of the profound wisdom by which his whole life was adorned. It is a remarkable fact, that our country has never yet been placed in any situation in which his actions or his counsels have not been "a light to our feet, and a lamp to our path." On the very question before us, "the Father of his Country" (in his legacy to his children) marks out the true American policy, in language which ought to sink deep into our hearts: "Our policy '(he instructs us) should hold an equal and impartial hand, neither seeking nor granting exclusive 'favors or preferences; consulting the natural 'course of things; diffusing, by gentle means, the 'streams of commerce—but forcing nothing."

When Mr. HAYNE had taken his seat—

Mr. JOHNSON, of Kentucky, opposed the motion to strike out. He contended that this duty would have the effect to produce a home competition, which would do away our contributions to foreign nations. If it was easily manufactured in the country, and that could not be doubted, he did not see why we could not encourage it, so that it might be manufactured here, to the exclusion of the foreign article. He advocated this duty, not as a Kentucky measure, but as one of great importance to the country at large.

Mr. KELLY submitted some additional remarks in favor of his proposition, and in reference to the prices, &c., of cotton bagging in Alabama. He believed the present existing duty was high enough; but he had conceded to the opinions of others, and had concluded only to move for the striking out of the highest specified duty proposed on this article.

The question on Mr. KELLY's motion was then put, and decided in the affirmative—yeas 28. So the highest rate of duty proposed on cotton bagging was stricken out.

Mr. HOLMES, of Maine, moved to amend the bill in the following clause: "On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem," by inserting, after the word "part," the words, "excepting Russia, Holland, and Raven's duck."

On motion of Mr. **Smith**, the words "and Russia sheetings" were added to the exception.

Mr. **Barbour** moved that "German linens" be also added to the excepted articles. Upon this motion some cursory remarks were made by Messrs. **Barbour**, **Smith**, **Dickerson**, and **Lloyd**, of Maryland.

Mr. **Talbot** moved that the bill and amendments be ordered to lie on the table; and that the Senate proceed to the consideration of Executive business. This was agreed to; and, immediately after the doors were opened, the Senate adjourned.

Saturday, May 1.

Mr. **McIlvaine**, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of John Holliday;" the bill, entitled "An act for the relief of Jonas Duncan;" and the bill, entitled "An act for the relief of Joshua Bennett;" reported them, severally, without amendment.

Mr. **Jackson**, from the Committee on Military Affairs, to whom were referred the bill, entitled "An act for the relief of Solomon Sibley;" the bill, entitled "An act for the relief of David Cooper;" and the bill, entitled "An act for the relief of Frederick Perley;" reported them, severally, without amendment.

The sixteen bills yesterday brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of "Dean Weymouth;" the bill, entitled "An act for the relief of Robert Blean;" the bill, entitled "An act for the relief of Samuel Cleveland, jun.;" and the bill, entitled "An act for the relief of John Topp;" were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of John Mitchell," was referred to the Committee on Foreign Relations.

The bill, entitled "An act for the relief of Morris Goldsmith, and Anthony Roderick;" the bill, entitled "An act for the relief of Benjamin King;" the bill, entitled "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representative of either of them;" and the bill, entitled "An act for the relief of John K. Carter;" were severally referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Archibald Clark," was referred to the Committee on Finance.

The bill, entitled "An act for the legal representatives of Fry and Spalding;" the bill, entitled "An act for the relief of Maturin Guichot;" and the bill, entitled "An act for the relief of Joseph Firman, and others;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;" and the bill, entitled "An act for the relief of Jacob Slough;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," was referred to the Committee on the District of Columbia.

Mr. **Lanman**, from the Committee on the Post Office and Post Roads, to whom was referred the bill, entitled "An act for the relief of Henry Leightner," reported it without amendment.

Mr. **Barton**, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of Thomas Williams," reported it without amendment.

On motion, by Mr. **Benton**, the Senate resumed the motion on the 29th April, instructing the Committee on Public Lands to inquire into the expediency of authorizing the selection of certain land for the support of seminaries of learning in Missouri, and agreed thereto.

On motion, by Mr. **Talbot**, the petition of John S. Stiles, executor of George Stiles, and the report of the Committee of the Judiciary thereon, were referred to the Secretary of the Navy.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act for the relief of Dean Weymouth;" and the bill, entitled "An act for the relief of Noah Smith, of Maine;" with amendments. They have also passed bills, of the following titles, viz: "An act supplementary to an act, entitled 'An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;" "An act to authorize the issuing a register to the brig William, of New York;" and "An act to allow further time to complete the issuing and locating military land warrants;" in which amendments and bills they request the concurrence of the Senate.

THE TARIFF.

The bill from the House of Representatives, to amend the several acts for imposing duties on imports," was again taken up for consideration, in Committee of the Whole, Mr. **King**, of Alabama, in the Chair.

Just previous to the bill being ordered to lie on the table, yesterday, Mr. **Holmes**, of Maine, had moved to amend it by excepting "Russia, Holland, and Raven's duck, and Russia sheetings," from the duty of twenty-five per cent. levied on other cotton, silk, flax, or hempen fabrics; and Mr. **Barbour** had moved to amend the amendment, by adding to it, as another exception, "German linens."

Mr. **Barbour** now varied his motion, by withdrawing the words "German linens," and proposing to add to the exceptions, "Osnaburgs, ticklenburgs, and burlaps." This motion was advocated by the mover, by Messrs. **Hayne**, **Smith**, **Branch**, **Mills**, **H. Johnson**, of Louisiana, **Macon**, **Holmes**, of Maine, **Van Dyke**, and **Taylor** of Virginia; and opposed by Messrs. **Dickerson**, **D'Wolf**, **Talbot**, and **Johnson**, of Ky. It was urged, in behalf of this amendment, that the manufacture of the article had never been attempted in this country; that it was an article of the first necessity, for clothing for the poorer classes of the community, and for servants; and, for these reasons, was not a legitimate object of heavy taxation. On the other hand, it was contended that goods of a similar kind, though not known by the same name, were manufactured in this country—and, being an article of necessity, its manufacture ought to be encouraged, in order to render us independent, for the necessaries of life, of other countries.

The question upon amending the amendment, as proposed by Mr. BARBOUR, was then put, and decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren—24.

So the amendment to the amendment was lost.

The question was then upon amending the bill, so as to except "Russia duck, Holland, and Raven's duck, Russia sheetings," from the duty of twenty-five per cent. which it is contemplated to impose on manufactures of cotton, silk, flax, or hemp. Mr. LLOYD, of Massachusetts, advocated this amendment. Mr. BARBOUR then moved an adjournment, and the Senate adjourned.

MONDAY, May 3.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill, entitled "An act for the relief of Archibald Clark;" and the bill, entitled "An act for the relief of David Beard;" reported them severally without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Stephen Brace;" the bill, entitled "An act for the relief of Lemuel Arms;" and the bill, entitled "An act for the relief of Nathaniel Jones;" reported them severally without amendment.

On motion, by Mr. PARROTT, the Committee on Naval Affairs were discharged from the consideration of the petition of Thomas Haven and Jonathan Folsom.

Mr. JACKSON, from the joint committee appointed to consider what business is necessary to be acted on at the present session of Congress, and at what time the session may be closed, submitted their final report on that subject; stating that, in the opinion of the Committee, the session of Congress may be terminated on the 10th instant. The report was laid upon the table.

Mr. RUGGLES, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Mareen Duval;" and the bill, entitled "An act for the relief of the representatives of Elijah Brush," reported them severally without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill for the relief of the representatives of John Donnelson, Stephen Hurd, and others; reported it without amendment.

The same committee also reported, without amendment, the bill which originated in the Senate, "to enable the President to sell and dispose of the refuse lands of the United States."

Mr. BARTON, the chairman of the committee, stated that the committee believed the system proposed in this bill, incompatible with the full and fair execution of the present system of raising revenue from the public lands, for the discharge of our national debt, as the promulgation of the system now proposed, would have the effect of preventing public sales and private sales at the present minimum price; for few would buy now, when, by waiting a few years, they might get the lands at fifty cents per acre. However proper the proposed plan might become hereafter, the committee deemed it premature and improper at this time; and had therefore instructed him to move the indefinite postponement of this bill, when it shall be taken up for consideration.

The amendments made in the House of Representatives, to the bill from the Senate, "for the relief of Noah Smith, of Maine," were read, and concurred in.

Mr. NOBLE moved that the Committee on Pensions be discharged from the further consideration of the petition of Isaac Bussel. This motion was opposed by Mr. HOLMES, of Maine. The question being put, the committee was discharged.

Mr. BENTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act to compensate William Cocke, for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;" reported it without amendment.

Mr. EATON, from the Committee on Public Lands, to whom were referred the bill, entitled "An act for the relief of Judah Alden;" and the bill, entitled "An act supplementary to an act approved on the 3d of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices;" reported them severally without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of George Fisher," reported it with amendments.

On motion, the bill, entitled "An act to authorize the issuing a register to the brig William, of New York;" and the bill, entitled "An act supplementary to an act, entitled 'An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" were severally referred to the Committee on Finance.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the relief of Dean Weymouth;" and they were referred to the Committee on Pensions to consider and report thereon.

The bill for the relief of Alexander Scott, late collector of Pensacola, was read the second time.

The four bills last brought up for concurrence were severally read twice, by unanimous consent.

The bill, entitled "An act to allow further time to complete the issuing and locating of military land warrants," was referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States," was referred to the Committee on Naval Affairs.

A message from the House of Representatives informed the Senate that the House have passed, with an amendment to each, the following bills, which originated in the Senate, viz: "An act for the relief of Captain Thomas Staniford," "An act for the relief of Thaddeus Mayhew;" and "An act for the relief of Amasa Stetson." They have also passed bills of the following titles, viz: "An act for the relief of Robert Brotherton;" "An act for the relief of Edward Evans;" and "An act for the relief of J. Ottramare;" in which amendments and bills they request the concurrence of the Senate.

THE TARIFF.

The unfinished business of Saturday, being the consideration, as in Committee of the Whole, of the bill from the other House, "to amend the several acts for imposing duties on imports," was resumed; Mr. King, of Alabama, was again called to the Chair.

The question was, upon the motion submitted on Friday last by Mr. Holmes, of Maine, to amend the bill so as to except "Russia, Holland, and Raven's duck, and Russia sheetings," from the duty of twenty-five per centum ad valorem, which the bill contemplates to impose upon all manufactures of cotton, silk, flax, or hemp.

Mr. Barbour rose—he stated that he had moved an adjournment on Saturday, because he felt uncertain how he should vote, in relation to the amendment now before the Senate, after they had refused, by the vote on Saturday, to exempt from taxation articles of the same character, of great importance to a certain section of the country. Upon mature reflection, he had come to the determination to vote against the present amendment, in order that the taxes imposed by this bill might, in this article at least, be equal upon the different portions of the country.

Mr. Mills spoke in favor of the amendment. He proceeded to show that the article of duck was already taxed very excessively, by the existing rate of duties—and that it was proposed, by this bill, to increase the tax nearly one hundred per cent. upon this article; a tax which would be extremely onerous upon the navigating interest—an interest which was, at least, as much entitled to the forbearance of the Government, as the manufacturing interest was to its positive protection. Mr. M. stated the quantity of the articles included in this amendment, which had been imported into the country within the last year; the revenue that had been paid upon it; and the effect which the duty imposed by this bill, would probably have upon the importation, and upon the revenue. He alluded to the liability of this tax to evasion, by vessels providing themselves with canvass in foreign ports. He commented upon the oppressive operation of this duty, upon the entire commercial interest of the country; the coasting, as well as the foreign trade.

Mr. D'Wolf made a few remarks in opposition to this amendment, and in reply to Mr. Mills. He spoke of the encouragement which the Government uniformly extended to the shipping interest. He considered the objects of this bill, as being purely national—that many of its items imposed heavy taxes upon the manufacturers—that the bill was calculated to benefit the whole country, and not for the particular profit of any one branch of business. His object, Mr. D'W. said, was to throw the nation on its own resources. He considered the articles we have to carry to market, of a great deal more importance than the wagon we carry them in. He was willing to reduce the duty on duck, but not to strike it out entirely.

Mr. Holmes, of Maine, advocated the amendment. He replied to the argument about the national interests to be promoted by the bill. He wished to know what great national interest was to be benefited by this item? He spoke of the small quantity of duck manufactured in the country, and remarked that the national interest was to be promoted by making the consumers in the country pay much higher than they now do for the article. The tax was to bear exclusively upon one class of the community. He warned gentlemen to beware how they go to destroy the shipping interest of the country for the benefit of a few overgrown manufacturers. This, he said, was all that was meant by encouraging home industry, and promoting great national interests. He wished to know in what part of the country duck was manufactured—to what extent—and of what quality. He hoped the honorable gentleman from Virginia would reconsider his determination, and not vote against this amendment because he had been disappointed in that which he had proposed.

Mr. Barbour made some further remarks, in which he expressed his uniform attachment to the commerce and to the navy of the country; but he could not consent that the great agricultural interests of the nation should be lost sight of. There was not a solitary item in this bill which would in the least benefit that interest. The cabalistic term *home industry,* he believed, was only to be applied for the protection of spinning jennies. He was not willing to submit to a heavy and immediate evil, in order to obtain a merely possible benefit in prospect. He was against the whole bill; but, if the tax was to be imposed upon the osnaburgs, &c., which were so important to the South, he must vote against this amendment, so as to make that tax, in some measure, equal. The one was to operate upon the commercial, and the other upon the agricultural interest. And, as he could not possibly see why Russia, Holland, and Raven's duck were not as fair objects of taxation as osnaburgs, ticklenburgs, and burlaps, he should feel compelled to vote against this amendment.

Mr. **Taylor**, of Virginia, spoke on this subject. He agreed perfectly well with the gentleman from Massachusetts; but yet he found himself compelled to vote with his colleague. This bill, he said, was to let blood from two of the great interests of the country, in order to circulate it in the veins of the other interest. He feared they would all die under the operation; the two first from loss of blood, and the other from having too much. His object was to make the two interests which were to suffer bear the imposition equally, and to bind them together by their community in suffering. He commented upon the injustice of building up a particular class—a special aristocracy—by the imposition of heavy taxes upon the community at large. He spoke particularly of the duty on wool, an article which could only be produced in a small portion of the country, owing to the circumstances of soil and climate. If this tax was imposed on the Southern interest by means of duties on their coarse linens, he saw no means by which the tax could be made equal, but by levying a duty on the coarse linens issued for clothing the ships of the Northern section of the country. By this means the revenue could be collected equally from each. Mr. T. spoke of the mutual connexion between these interests.

Mr. **Ruggles** opposed the amendment. He conceived that his duty would operate beneficially on the agricultural interest, more than any other, as it would go to encourage the growth of the raw materials in this country. In relation to commerce, he believed it would in some measure affect the vessels employed in foreign trade, but that it would not injure the Navy or the coasting trade. He thought it the duty of the Government to encourage the use of domestic articles for the Navy, as we might be reduced to great distress, if we were at war with the nation from whom we receive these articles. He alluded to the difficulty experienced during the last war for soldiers' blankets and clothing. Mr. R. thought, if we were to have a Navy, (and he had always been a friend to it,) we ought to build our ships with American materials, and man them with Americans. He asked, what further protection the commercial interest wished? They had the whole coasting trade of the country exclusively to themselves—a greater encouragement than had ever been extended to manufacturers. He proceeded to remark upon the beneficial effects that would be produced to the nation, by raising its raw materials and manufacturing them, in preference to making use of manufactures of foreign countries, and upon the capacity of the country to do so, to a great extent.

Mr. **Smith** had hoped the question on this amendment would have been taken without debate; but, as that course had not been pursued, he felt compelled to submit his views of the subject. He combatted the idea of the protection given to the navigating interest. He said, if that interest had any advantages, they were the result of their own industry and enterprise; they only asked to be left free to depend on these advantages. The coasting trade, he said, was not generally carried on by merchants, but by a poor and laborious class of people. He denied that any protection had been extended by the Government, from its establishment to the present day, to the navigating interest; their ships were built at greater expense, for labor and materials, than those of any other nation; they were the pack-horses of the nation; they were made the collectors of the revenue for the Government. This bill, he said, not only laid a tax on the article of duck, but also upon the raw material from which it was made; thus rendering it impossible to manufacture the article. It had the same operation in relation to wool. The tax imposed by this bill would amount, on a moderate computation, to three millions of dollars per annum, on the people. The gentleman from Massachusetts says, (and he may be more accurate,) that it will amount to six millions.

Mr. **Lloyd**, of Massachusetts, said, this item increased the duty upon this article 100 per cent. He proceeded to state the quantity of duck imported, with the amount of duty which had heretofore been levied upon it; and to make a comparison between those duties and that proposed in this bill. He denied that any encourgement had been extended to the commercial part of the community, except in regard to the coasting trade, and in relation to that it was merely nominal; he had never known any man to make a fortune by the coasting trade. If the restriction were removed, no foreigner could partake of this trade. Mr. L. spoke of the difference in expense, in building ships in this country, and in other countries. The object of the bill was not revenue; it was for the encouragement of manufactures, and yet it was proposed to tax some articles which were not manufactured in the country. He proceeded to remark further, in relation to the balance of trade, which had so often been said to be against the country, and answered the arguments drawn from the present prices at which cottons were afforded in the market, by showing that the war prices and the peace prices were taken in comparison, and that the difference between the machinery formerly employed and that now used, was not estimated. Mr. L. replied to the argument that the stock, evidences of debt, &c., were passing into foreign hands. Upon this point we could not hear his remarks.

Mr. **Dickerson** opposed the amendment. He was willing to reduce the duty proposed upon duck, but did not see any reason why Russia sheeting should be included. He reviewed the course that had been taken by the Government in levying duties upon duck. He said that as fine duck was made in America as floated on the ocean; and stated that a considerable amount of capital had been expended in manufactories for this article. He said the manufacturers only asked for the benefit of the home market. The commercial interest had as much encouragement as this. Mr. D. adverted to the remark that we were adopting the Chinese policy, and spoke of the depressed situation of commerce, in consequence of its being overdone. Too much capital and too much labor had been invested in it. He asked what would have become of this capital, and the industry and enterprise of which the gentleman from Maryland had spoken, if the Government had not extended a helping hand to it when it was depressed to the earth? He then adverted to the former situation of the navigation of the country; its subsequent prosperity, the causes of that prosperity, and the acts that had been passed, giving exclusive encouragement to our own shipping. He could see no reason why the shipping interest should not bear its proportion of the taxes imposed by the Government.

Mr. Lloyd, of Massachusetts, explained in reference to an error fallen into by the gentleman from New Jersey, concerning the prices of duck. He read a letter from a distinguished merchant, respecting the relative quality and prices of American and Russia duck.

Mr. Dickerson made a few remarks in reply.

Mr. Smith replied to Mr. Dickerson in regard to the nature of the acts which were stated to have been passed for the protection of commerce. He commented upon the importance of the trade to Russia, and the danger of losing it entirely—one reason, he said, that our commerce was so depressed was, that we were, by our own unwise policy, depriving ourselves of all foreign markets.

Mr. D'Wolf made some statements in relation to the price of duck in Russia, and upon the quality of the American duck.

Mr. Hayne stated that the clause of the bill under consideration imposed a duty of 25 per cent. ad valorem on manufactures of silk, flax, and hemp, being a considerable increase on the present duties, when there could be no doubt these duties are already sufficiently high, and when the country is not prepared for the manufacture of such articles. A motion has been made to except "Russia and Holland duck and Russia sheeting," to which the gentleman from Virginia has moved to add osnaburgs, an article essential to the health and comfort of our slaves, and, in some degree, necessary to the poor in every part of the country. The Senate having refused to except osnaburgs, the same principle must prevent them from exempting duck and sheeting, as it cannot be pretended that those articles depend on different principles. Mr. H. said he should therefore vote against this particular exception, with the view of moving, at a future period, to strike out the whole section, and, by that means, to except not only duck and sheeting, but osnaburgs, and other articles of equal importance (which we do not manufacture) from a heavy and unreasonable tax. Mr. H. expressed a hope that the friends of commerce and of agriculture will unite in protecting the interests of both against the ruinous speculations of the manufacturers and their exclusive advocates.

The question on the motion of Mr. Holmes, of Maine, was then put, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Bell, Branch, Chandler, Clayton, Holmes of Maine, J. S. Johnston of Louisiana, King of New York, Knight, Lloyd of Massachusetts, Lowrie, Macon, Mills, Palmer, Parrott, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams—21.

Nays—Messrs. Barbour, Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Elliot, Findlay, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lloyd of Maryland, McIlvaine, Noble, Ruggles, Talbot, Taylor of Indiana, and Taylor of Virginia—26.

So the Senate refused to except duck and sheetings from the duty proposed in the bill.

Mr. Elliott, of Georgia, then moved to amend the bill by striking out all the proviso which fixes a minimum price upon which the duties on cotton cloths, and cotton twist, yarn, or thread, are to be calculated.

This subject, said Mr. Elliott, has been so much discussed, both in and out of Congress, that I would not now ask the attention of the Senate, were it not for the vast importance it has assumed as a national measure, and the deep solicitude it has awakened in the minds of those whom I have the honor more immediately to represent. As a national measure, sir, I consider its policy as more than questionable. The power "to lay and collect taxes, duties, imposts, and excises," was intrusted to Congress principally with a view to the revenue of the country; yet, in the judicious exercise of it, in the imposition of duties on foreign importations, it was intended to subserve the double purpose of augmenting the revenue and protecting the growing manufactures of the nation. These have accordingly been the legitimate objects of the laws hitherto passed by Congress in relation to this subject. The war of 1812 gave astonishing activity to our infant manufactures. Preventing almost entirely the introduction of foreign articles, it left the consumption of the nation to be supplied, in a great measure, by the efforts of domestic capital and labor. The extraordinary demand thus created for domestic articles insured to the manufacturers correspondent profits; and capitalists, forgetting the transitory character of the cause which occasioned this state of things, most improvidently invested large sums in manufacturing establishments. These establishments did well so long as the artificial stimulus under which they were created continued to operate. But the war at length closed, the monopoly was at an end, and ruin seemed inevitable. At this critical moment, sir, Congress interposed; and, although it was not possible to save all—many having paid for their establishments three or four times the value of them, and in some instances too with money borrowed from banks at extravagant rates of interest—yet it was hoped the prudent and the practical might be relieved. Accordingly, the law of 1816 was passed, under the assurance of the manufacturers themselves that they were satisfied with its provisions, but which were made still more favorable to them by the law of 1818, which subsequently passed on the same subject. The result of these acts at this time is a full Treasury and a tax on the consumption of foreign commodities, operating as a bounty on domestic manufactures of upwards of twenty millions of dollars annually! Thus far the nation has gone, if not cheerfully, certainly without excitement; for the wants of the Treasury seemed to justify it, and the depressed state of manufactures, from particular causes, called for something like the new regulations then adopted. But now, sir, our finances are adequate to the annual disbursements of the nation; and if they are not improving, they require not the augmentation of existing duties to sustain them. This, then, is not to be regarded as a revenue bill; its advocates will not succeed in attempting to pass it off on the nation as such. It is too apparent that its sole object is the profit of the manufacturer, at the expense of all those who may find it either convenient or necessary to consume foreign merchandise. And will Congress undertake thus to interfere with the employment of individual capital and labor? Shall we pass laws to regulate and control the private pursuits of the citizens of this free community? Are we prepared to assume the exercise of such a power in the face of the nation? To a revision of the tariff, sir, I should have had no objection. This is an operation which may be advantageously attempted at regular periods; with a view to a judicious distribution of the duties among the various objects of the tax. But, against a periodical increase of the imports of the nation, not called for by the existing state of the Treasury, but induced by the importunity of the manufacturing interest of the country, and for the sole benefit of this particular class, I do most solemnly protest.

I consider this bill, then, Mr. President, as laying the foundation of an odious system of restrictions in this country, which may not readily be laid aside, even after its pernicious effects shall have been ascertained. Its obvious effects will be to induce the investment of much additional capital in manufacturing establishments. And this transfer of labor and capital will continue to be made, until the competition excited shall cause the supply of the various articles produced, to exceed the demand, when a reaction must take place, and new bounties be required to sustain the unnatural system. And, think you, sir, you will then be able to resist the importunity with which Congress will be pressed to afford further encouragement? No, sir; you will probably be told, and that truly, that yours was the fault; you interfered unnecessarily in the private occupations of individuals, and by taxing the many for the benefit of the few, you induced, if you did not force, all the capital and labor employed in the manufactures, to take that direction; and you will be constrained by the amount of this capital invested, and now not to be withdrawn; if you are not compelled by the strength of the manufacturing interest on this floor, to go on with your sustaining measures, until you find the nation involved in all the odious consequences of the British restrictive system. And what, sir, are the equivalent advantages promised you by the advocates of this measure? Domestic manufactures thus encouraged, say they, will render us independent of foreign nations. In one point of view, this is certainly most desirable. But are we not already physically independent? Has not this nation long since been able to produce all that is necessary for her support and defence? And is there any other attainable, or even desirable, independence for civilized communities? Absolute independence belongs not to civilized man; and it can be affirmed of the savage only from the paucity of his wants. The true independence of a civilized man, consists in the power of gratifying his wants; and this power depends on the quantity of consumable articles he can obtain in exchange for his surplus produce or labor. But this quantity will be greater or less in proportion to the extent of the market and the freedom of exchange. For it is from the profits of commercial intercourse, growing out of the mutual wants of civilized society, that enterprise is stimulated to seek out distant markets, where the most advantageous exchanges are to be effected. Every restraint, then, imposed upon him in these particulars, abridges this power, and necessarily lessens his independence.

Again, we are told that this restrictive policy will encourage home industry; and save millions to the nation!

The annual unproductive expenditures of a nation is the amount of its consumption. The cheaper, therefore, any nation can be furnished with the consumable commodities required for the supply of her wants, the less the tax upon her annual resources. If, under the operation of the existing duties, the national consumption is sixty millions of dollars, (I speak hypothetically,) and you add thirty-three and one-third per centum, by a new imposition of duties, will not the annual unproductive expenditure of the nation be increased twenty millions? A part of this sum, it is true, will go into the pockets of the home manufacturer, and may make him richer, but will it not leave the consumers poorer who have paid it? And who are these consumers? Nine tenths of the people; the great mass of the nation. Nine tenths of the people, then, are to be taxed most immoderately, to increase the annual receipts of the other one tenth; and this is called encouraging home industry! Sir, I protest against the use here attempted to be made of "the sacred associations of home." The generous impulses which are ever awakened at the mention of a spot so cherished and revered, should be reserved for great occasions, when individual sacrifices must be submitted to for the attainment of national objects. They should never be called into action for partial purposes; and, least of all, to aid a policy whose obvious effects will be, to diminish the fireside comforts of nine-tenths of the nation.

But how is this measure to save millions to the nation? Are the profits of our manufacturing establishments so much greater than those of commerce and agriculture, as to promise advantages to the labor and capital which may be transferred from the latter to the former? If so, they surely need no protection; but should be called on to furnish aid, if aid were necessary, to the less prosperous branches of productive industry. But, if it be true, as asserted, that manufacturers are so illy paid for their labor and capital, as to require the imposition of a heavy tax on the other branches of national industry to support them, how can the national wealth be increased by forcing more labor and capital into a channel acknowledged to be so unproductive? Should this bill pass, the profits of manufacturers would be great indeed. But as the payment of them must be made for the annual resources of the nation, it would by so much increase the expenditure for national consumption; and the consumption of a nation is a subtraction from, and not an addition to, its annual wealth. I cannot perceive, then, that this measure will add any thing either to the independence, the industry, or the wealth of the United States.

But, I do think I can perceive many pernicious consequences which must result from its adoption. What, sir, will be its effects upon the commercial, navigating, and agricultural interests of the nation? These are so intimately connected that, in considering this subject, I choose not to separate them. They are, indeed, so bound together by the strongest ties of mutual dependence and reciprocal advantage, that no one of them can be seriously burdened without inflicting some correspondent injury on the others. The annual surplus produce of agriculture derives its value, principally, from that commercial enterprise which, by the means of navigation, seeks out for it the best markets, however remote—thus securing to it the highest prices, and supplying, in return, the consumable commodities of other countries, which may be wanted, on the lowest terms; while the profits of the labor and capital employed in these transfers, by the merchant and ship owner, gradually advances with the increasing demand for the supplies which they furnish. But the profits of this system of exchange must ever be in the inverse ratio of the restrictions imposed upon it. On the exports of the nation, the Constitution has wisely interdicted all burdens, while, on the imports, it has permitted Congress to lay and collect duties and imposts, as a legitimate source of revenue. And, notwithstanding the heavy losses experienced under the operation of the Milan and Berlin decrees, the disasters of the late British war, the pressure of the embargoes which preceded it, and the no less destructive effects of that unexpected competition which followed, on the sudden return of universal peace, the Treasury of the nation has already received, from this single source, about three hundred and fifty millions of dollars! This fact incontestably proves the value and importance of these branches of the productive industry of the nation, and justifies the policy which would cherish them as the foundation of its wealth and power. But, sir, the bill on your table proposes to protect and sustain an extended system of domestic manufactures, by the imposition of excessive, if not prohibitory duties on imports. It is most manifest, then, that it contemplates additional restrictions on these important branches of industry, calculated not only to lessen their profits, but seriously to embarrass and depress them. As far as the duties approach to a prohibition, the commerce of the country will be suspended, and the shipping employed in furnishing the accustomed supply of the dutied articles be thrown out of employment. In the year 1807, fifteen ships were employed from the town of Salem alone, in the British East India trade, and brought in principally white cotton fabrics, paying an ad valorem duty, and valued at upwards of four millions of dollars; but the laws of 1816 and 1818 imposed a duty so excessive on these articles, that, in the year 1819, two ships only could be maintained in the trade! A similar effect must necessarily be produced by these new regulations, whenever the duties are greatly increased; for, the duty being a tax upon consumption, the consumption will lessen as the tax is augmented. But the consumption will always regulate the supply. No more, then, will be imported than can be consumed; and the business of the merchant and the ship-owner must be abridged in the ratio of the diminished consumption of the nation. Nay, still further, sir—commerce being but the exchange of equivalents, a refusal on our part to receive imports must directly lessen our exports; for, how shall we be paid for our surplus productions, if we refuse to receive those of foreign nations, which are the only equivalents they can furnish in exchange? And may we not calculate, too, on countervailing measures from those nations whose produce we thus exclude from our markets? What has been the operation of the existing duties in this regard? An examination of our commerce with Spain and Portugal, will furnish the answer. Excluding the period of the late war between the United States and Great Britain, we will compare the imports and exports of the years 1810 and 1811 with those of 1817 and 1818; the first being before, and the last after, the imposition of the present duties.

In the years 1810 and 1811, there were imported into the United States, from Spain and her dependencies—

Wines, gallons	1,454,012
In the years 1817 and 1818—	
Wines, gallons	917,201
Difference	536,811
Spirits from grain, gallons	1,577
Spirits from grain, gallons	333
Difference	1,244
From other materials, gallons	1,017,653
From other materials, gallons	157,038
Difference	860,615

In the years 1810 and 1811, there were exported to Spain and her dependencies from the United States—

Corn, bushels	1,563,509
In the years 1817 and 1818—	
Corn, bushels	158,888
Difference	1,404,621
Flour, barrels	855,419
Flour, barrels	198,975
Difference	656,444
Rice, tierces	65,264
Rice, tierces	21,989
Difference	43,275
Tobacco, hogsheads	13,733
Tobacco, hogsheads	6,411
Difference	7,322

In the years 1810 and 1811, there were imported from Portugal and her dependencies into the United States—

Wines, gallons	918,046
In the years 1817 and 1818.	
Wines, gallons	612,660
Difference	305,386
Spirits from grain, gallons	54,090
Spirits from grain, gallons	431
Difference	53,659
From other materials, gallons	33,916
From other materials, gallons	20,966
Difference	12,950

In the years 1810 and 1811, there were exported from the United States to Portugal and her dependencies—

Corn, bushels	2,747,484
In the years 1817 and 1818—	
Corn, bushels	1,557,019
Difference	1,190,465
Flour, barrels	765,364
Flour, barrels	138,493
Difference	626,871
Rice, tierces	70,963
Rice, tierces	2,149
Difference	68,814
Tobacco, hogsheads	8,779
Tobacco, hogsheads	881
Difference	7,898

These facts show the pernicious effects of the duties already imposed on the importations from these two nations; by which, at least thirty-five ships engaged in this traffic have been thrown out of employment, and their markets closed against our surplus produce. A similar effect has been produced in Holland, where the diminution of our importations, occasioned by the excess of the duty imposed, has been followed with a correspondent reduction of the consumption of American produce; particularly of tobacco and rice. The direct and obvious tendency, then, of the provisions of this bill, is to destroy our foreign commerce, bankrupt our merchants, and, by confining the surplus productions of agriculture at home, to diminish their value, and impoverish all classes of the community, except manufacturers.

And are you prepared Mr. President to pursue this disastrous course? In this enlightened age, when the wisest statesmen of Europe are yielding to the conviction of the deleterious operation of restrictive systems, and, under the guidance of a more liberal policy, are seeking to establish the intercourse of nations upon principles of reciprocity, will you, regardless alike of your example and your interest, lay the foundation of one of the most exceptionable character? Should you not rather improve the occasion, so auspicious for the purpose, to secure and multiply foreign markets, by increasing the facilities to foreign intercourse? Sir, your foreign commerce, consisting of nearly eight hundred thousand tons of shipping, and employing forty thousand seamen, is worthy of all your care and solicitude. In it is invested an immense capital, not less than thirty-five millions of dollars; whose employment gives the means of support to hundreds of thousands of the poor and laboring inhabitants of your seacoast. From this source also must you look for the strength and efficiency of your Navy. This is the school where seamanship is acquired, enterprise encouraged, and dangers rendered familiar. The hardy and adventurous sailor is to be found only where foreign commerce is duly appreciated and encouraged. Hitherto the commerce of the United States has been fostered and encouraged; and no nation ever boasted of seamen more skilful or patriotic than the American tars. Under the command of our gallant naval officers, what did not these meritorious men achieve for this nation during the last war? They first checked the proud triumphs of the enemy, and broke the talisman of British naval invincibility. They saved your Northern frontier from invasion, by the brilliancy of their victories on the Lakes—and on the Atlantic Ocean, they bore your flag in triumph even to the shores of England! Nay, sir, disdaining confinement within those limits, they doubled Cape Horn, and, with a single ship, created a fleet from the spoils of the enemy in the Pacific Ocean! The American Navy is no longer the theme of contumely and reproach; it has fought itself into the confidence and affections of the people, and is considered by all as an important arm of national defence. Most unwise, then, should we be, if, disregarding the honorable experience of the past, we not only neglect to foster and protect this invaluable establishment, but pass laws like the one on your table, in direct hostility to its future growth and efficiency.

But, sir, how will the provisions of this bill operate on your revenue? If the assertion I commenced with be correct, that the power "to lay and collect taxes, duties, and imposts," was intrusted to Congress principally with a view to the revenue of the nation, it is surely incumbent on us to see that we pass no laws, in the exercise of this power, which shall diminish the revenue. The amount of a revenue derived from imports must always be in the direct ratio of the consumption of the dutied articles; for, the consumption constituting the demand, will ever regulate the supply. But the consumption must necessarily depend upon the means of the nation to purchase the articles wanted. The less the price of these articles, then, the greater the means for their procurement; and, by consequence, the greater the quantity that will be consumed. But this bill proposes a considerable augmentation of the existing duties, which, being a tax on the use of the articles specified, must necessarily lessen their consumption by diminishing the means of payment. To what degree the consumption of the country will be affected by those new regulations, it is not possible to say with precision. Yet it may safely be affirmed, should the bill pass with its present provisions, they must lessen the receipts in the Treasury, after the first year, more than two millions!* And will there be no danger to the revenue from smuggling? The high prices consequent upon excessive duties have in every country produced an illegal supply of the dutied articles, by which the wants of the nation have been relieved, and the revenue defrauded. Could the Government so enforce the execution of this law as to prevent the illicit introduction of foreign goods, most of the new duties might be realized: for, such is the force of habit arising from the long use of particular articles, that more than their value might be obtained from those who could illy afford to pay for them. But England, with her thousand ships of war, and her army of revenue officers, has not been able to insure the execution of her laws on this subject. And the United States, in such a contest with her citizens, where the duties are deemed excessive, must prove equally powerless. Since the formation of this Government, under the wise imposition of moderate duties, there has accrued to the Treasury from imports alone, the sum of $350,000,000! And, greatly to the honor of our merchants, this immense amount has been collected and paid into the coffers of the nation with the loss of less than one-fourth of one per centum! Sir, there is nothing in our history more creditable to our national character than this fact. And what is the lesson which it teaches? It shows you that, when your regulations are necessary for the support of Government, and not intended for partial purposes, the moral sense of the nation will sustain and enforce them. Let your laws, then, sir, be just, having for their object the public interest, and operating as equally as practicable on all classes of our citizens, and you will require no guards to secure to them their intended effect. But you have no right to calculate on the aid of this principle in the enforcement of laws of a contrary character. The reason of the case is totally different, and a moral and intelligent community will not hesitate long in drawing the proper distinction.

But should the revenue be diminished by this speculation in favor of domestic manufactures, the deficiency must be supplied from some other source. And agriculture, already languishing under these restrictions, from a diminution of her markets, must be subjected to additional burdens. In the present state of this cardinal branch of national industry, a system of direct taxation would be ruinous. Yet to such a measure the Government must resort in the event of a failure of the revenue from imports. The measure derived from this source is now adequate to the necessary disbursements of the nation, but the Treasury report shows it is gradually decreasing; and this diminution can be accounted for only from the diminished consumption of the dutied articles, occasioned by the weight of the tax already imposed. The agricultural interest, then, is deeply concerned in the impost regulations which are proposed in this bill; and it becomes those who have been deputed to represent it, to see that no higher duties are imposed than the finances may require, and that these be so distributed among the various objects of the tax as to result in the least sacrifices to the people, and the greatest revenue to the nation. A moderate system of duties, collected under the ad valorem system, has heretofore produced the happiest results in both these respects, and being recommended by the experience of thirty-five years, should not now, without strong reasons, be abandoned. As the duty is the price paid in the first instance by the importer, for the privilege of introducing foreign commodities into the home market, it would seem reasonable, if not necessary, that it should bear a direct proportion to the value of the article at the place where it was produced.

But this bill adopts another principle, and by an arbitrary valuation, twice, and in some instances, three times as high as the real costs, either entirely prohibits the importation, or burdens the consumption with the payment of twice or three times the amount of duty it seems to impose. In the first instance, the revenue is lost by prohibition; in the second, it is lessened by a diminished consumption, occasioned by the weight of the tax. And yet, in neither case does it appear to be the intention of the law to produce these effects. Sir, I protest against this masked legislation, as unworthy of Congress, and not reputable to the nation. The people of this Union are high-minded and honest, and they expect from your measures no more than meets the eye. They will never sanction acts whose designs are covered, and whose effects they cannot calculate.

Another strong objection to this bill is, that it imposes a higher rate of duties on the consumption of the poor than on the rich. Low-priced cottons, such as plaids, stripes, ginghams, muslins, and calicoes, are burdened with a higher duty than the finer fabrics which are used exclusively by the rich. And this, too, without any adequate reason to justify it; for the capital employed in the production of these fabrics is receiving at this time greater profits than that invested in any other branch of national industry. But the history of manufactures in England proves that such protection is not necessary to the success of this species of manufacture. Nay, sir, it proves that those flourish most which have been least protected; for her silk and woollen manufactures, which have been so amply guarded and protected by law, have languished, in comparison with her cotton manufactures, which have been left to the intelligence and energy of those who directed their operations. Instead, therefore, of thus unnecessarily increasing the burdens of the poor and laboring class of the community, the committee who reported this bill had much better have provided for the reduction in salt and the cheaper descriptions of tea, with a view to the relief of the necessitous. But by the provisions of the bill as it now is, it is proposed to tax those most who are least able to bear it. And should you enact a law of this character, would the public sentiment suffer it to remain on your statute book? No, sir; I think I hazard nothing in saying it would not long resist the common sense of the nation.

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* The bill was modified, and the rate of duty greatly reduced after Mr. E. spoke.

But, sir, I am constrained by the strongest motives of duty, to inquire what will be the probable effect of this bill upon the interests of the cotton growing States. These are entirely agricultural, as well by the habits of their people as the policy of their civil institutions. And their prosperity is of vital importance to the whole Union—for whether this nation is to become a manufacturing community gradually as its wants shall dictate, or more rapidly, by the force of artificial stimulants, the cotton of the South is equally necessary to the profitable employment of its capital and labor. Under our present policy, these States not only furnish the raw material for the cotton fabrics manufactured at home, but give employment to our navigating interest by offering to capitalists an export produce of the value of upwards of twenty millions of dollars, equal to nearly one-half of the whole exports of the United States.

But, if to the value of cotton exported,	$20,445,320
You add for tobacco - - - -	6,000,000
For rice - - - - - -	1,820,985
For flour and corn - - - - -	3,000,000
And for lumber of all descriptions, with naval stores, viz: tar, pitch, and turpentine - - - - -	1,000,000
Making an aggregate of - - - -	$32,266,505

You will have an export produce from the eight Southern States, being but one-third of the whole number of States, of more than four-sixths of the entire domestic exportation of the nation.

The quantity of cotton produced in 1822 was about 600,000 bales of 300 weight each, or 180,000,000 of pounds of all descriptions. Of this quantity, not more than 100,000 bales were required for domestic consumption. Five hundred thousand bales, then, or five-sixths of the whole produce, were left on the hands of the growers to seek a foreign market. Of these, four hundred and sixty-eight thousand seven hundred and sixty-five bales were exported to British ports; and the residue to France, Holland, and other places on the continent. From these facts it is obvious that the culture of cotton in the United States is supported principally by the foreign consumption of the raw material. And although the domestic consumption may be expected to increase, yet the capacity of the country to produce the article being equal to any exigency, a correspondent increase of the raw material must inevitably follow the new demand. It is, then, the interest of the States engaged in this valuable cultivation to cherish the subsisting intercourse with foreign nations, that the demand for these productions may not only be secured, but extended. But the continuance of a commercial traffic of this character, will depend upon the mutual profits of the exchanges which may be effected. And as raw materials are required only for manufacture, the most profitable exchanges for the manufacturer are the fabrics produced at his factory. Either, therefore, to prohibit the importation of these directly, or greatly to lessen their consumption by excessive duties, is to weaken the inducements to this traffic, and thereby to endanger the market for American cottons. Were there no other countries from whence cottons could be procured but the United States, no apprehensions of a loss of the market would be indulged. But when this valuable material is produced in the West Indies, in South America, in India, and even in Egypt, in quantities and qualities to suit the wants of the European manufacturer, no difficulty can be experienced in commanding a competent supply. And this supply will be sought in those countries where the consumption of the manufactured articles shall afford the greatest encouragement to the capital and labor employed in their production.

Under this view of the subject, sir, this bill is calculated most seriously to affect the interests of the South, by diminishing the value of its most important staple, and thereby causing the transfer of much labor and capital to other cultivations, now known to be less productive. But the effects of the measure will be felt, not only in the diminution of the receipts of the planter, but in the augmentation of his expenditure. As agriculturists, the inhabitants of the South purchase almost all the manufactures, of every description, which they consume. It is, then, obviously, their interest to procure these wherever they may be obtained on the best terms. And it is not easily perceived, as national is but the aggregate of individual wealth, how it can be the policy of any free Government to counteract the wishes of her citizens in this regard. A tax on the consumption of foreign articles, with a view to the support of the Government, will never be objected to by the people of these States. They cherish too strong an attachment to this Union not to contribute, most cheerfully, their just proportion to the payment of the necessary expenses of the nation.

But, against a rate of duties higher than may be required for this object, and intended to sustain another interest, at their expense, they are bound to protest. This bill, sir, proposes a rate of duties, not only higher than that which is called for by the wants of the Treasury, but so excessive as to threaten a diminution of the consumption of the dutied articles, and, thereby, to impair the public revenue.

Cotton bagging is used exclusively within these States, and, as the manufacture of it requires but little capital and no skill, the new duty upon it is to be regarded as an additional tax on the cotton grower for the encouragement of the cultivator of hemp. The proposed duty, therefore, is objectionable, not only as being excessive, but because it is partial in its operation. Every tax should have for its object the promotion of the public interest, and be so imposed as to operate as equally as practicable on all classes of the community, throughout the various subdivisions of the Union. Nothing could wear an aspect more unkind or invidious than a tax on one subdivision of the Union, by which the profits of its capital and labor should be abridged, for the sole purpose of improving the condition and increasing the gains of another portion. Yet this duty will operate as a tax upon the agriculture of the South, for the benefit of that of the West; and, if the principle be correct, it may be carried into general operation; in which event, the various geographical divisions of the nation would be found arrayed in interests against each other, at the imminent hazard of that peace and harmony which are ever so essential to the public weal.

On the articles of coarse woollens, baize, plaids, and bombazetts, it imposes a duty which, with all the charges of importation, will exceed sixty per centum. But these fabrics compose the Winter garments of a great portion of the poorer classes of the community; and a particular description of them imported for that purpose, is extensively used for the clothing of our black population. And should this excessive duty be paid upon them, it would prove a most burdensome tax upon the consumption of these States. But I am persuaded, sir, its rigid exaction would soon force from our markets the accustomed supply of these goods, for the people could not afford to pay them. And when these shall be thus excluded, is it expected that the manufactures of the East and the West will be received as a substitute? No, sir; the ruinous effects of this restrictive system, if not a just sense of the injury inflicted on the resources of those States, for the benefit of a particular interest, a favored class, will prevent the consumption of any domestic fabrics which are not produced within their own limits. Economy in expenditure, from necessity, will become the order of the day, and no one will be disposed to purchase what he may be able to produce at home. However manufactures, then, may succeed in driving foreign competition from our markets, they will not be successful in their attempt to force the consumption of their fabrics upon us at the extravagant prices this bill will authorize them to demand. We, too, sir, may be taught to encourage home industry, and, if compelled to become independent of foreign manufactures, we may be induced to question the policy which would make us tributary to those of our own country. But, sir, should this bill pass, would it afford the relief anticipated by domestic manufactures? As it is not proposed to loan money to our manufacturers, it is obvious this measure will not directly increase the capital employed. Its only immediate effect will be to increase the profits of that capital. But, it is believed that those who are most importunate for relief, possess least of this capital; while the real capitalists are satisfied with the existing duties; wisely preferring stability in your laws, with certain profits, to those fluctuations inseparable from frequent changes, and whose results defy all calculations. Should this bill become a law, the profits of the capital now employed, under skilful management, will be immense. But this extraordinary management must soon attract so much additional capital and labor into this favored employment, as to overstock the market with the fabrics which would be produced; and, unless sustained by new stimulants, the whole system, like the bloated carcase of an epicure, must sink beneath the weight of its own indulgences. Nor could any relief be anticipated from exportation; for, if our manufacturers are unable to compete at home with foreign fabrics, having the advantage of the existing duties, how can they hope to succeed in other markets without the aid of any duty, and burdened with all the charges of exportation? Those, therefore, who possess but little capital would realize comparatively no benefit from this measure, while such as are in the skilful employment of an adequate sum would hazard the loss of the regular profits which they now enjoy in the vain hope of securing greater. I cannot perceive, then, that this restrictive policy would benefit ultimately, even the manufacturers themselves; and as I entertain no doubt of its deleterious operation on the interests of all other classes of the community, I must be permitted to express a hope that my motion will prevail; and that the bill will finally be rejected.

Tuesday, May 4.

Mr. Jackson, from the Committee on Military Affairs, to whom were referred the bill, entitled "An act to authorize the President to exchange five arpents of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;" and the bill, entitled "An act for the relief of Jacob Slough;" reported them severally without amendment.

Mr. Smith, from the Committee on Finance, to whom were referred the bill, entitled "An act to authorize the issuing a register to the brig William, of New York; and the bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" reported them severally without amendment.

Mr. **RUGGLES**, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Daniel Carroll, of Duddington, and others," reported it without amendment.

Mr. **NOBLE**, from the Committee on Pensions, to whom were referred the bill, entitled "An act for the relief of the legal representatives of John Lauderman;" and the bill, entitled "An act for the relief of the legal representatives of Charles Bradford," reported them, severally, without amendment.

Mr. **BARTON**, from the Committee on Public Lands, to whom were referred the bill, entitled "An act for the relief of Joseph Firman and others;" and the bill, entitled "An act for the relief of Maturin Guichot;" reported them severally, without amendment.

On motion, by Mr. **EATON**, the Committee on Public Lands were discharged from the consideration of the bill, entitled "An act for the relief of the legal representatives of Fry and Spalding," and it was referred to the Committee on Finance.

Mr. **McILVAINE**, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Thomas L. Ogden and others;" the bill, entitled "An act for the relief of Robert Strain;" and the bill, entitled "An act for the relief of Landie Richardson;" reported them, severally, without amendment.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Amasa Stetson;" and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Captain Thomas Staniford;" and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Thaddeus Mayhew;" and concurred therein.

The three bills yesterday brought up for concurence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Robert Brotherton," was referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Edward Evans," was referred to the Committee of Claims.

The bill, entitled "An act for the relief of J. Ottramare," was referred to the Committee on Finance, to consider and report thereon.

THE TARIFF.

The bill from the House of Representatives, "to amend the several acts for imposing duties on imports," was again taken up for consideration, in Committee of the Whole.

The question was upon the motion submitted yesterday by Mr. **ELLIOTT**, to amend the bill, by striking out the proviso, which establishes the minimum upon which the duties on cotton cloths and cotton twist, yarn, or thread, are to be calculated.

Mr. **RUGGLES** spoke in opposition to this amendment; on the general ground that the manufactures of the country ought to be encouraged; and, in particular, those which were in general use, and of absolute necessity, and for the manufacture of which we possess adequate means.

Mr. **TAYLOR**, of Virginia, spoke as follows:

Mr. President: The honorable Senator who has just sat down has selected the cotton manufacture, as indicating, by its success, both the course we ought to pursue as to the woollen, and even as to the entire system, without discriminating between the facilities attached to cotton, and without taking any general view of the consequences to be expected from the entire bill. Each of its items is said to be a national object, and each of its speculations, however local or selfish, conceals its true character, by assuming an epithet used by avarice to deceive ignorance. There is no better mode of detecting the artifice, and anticipating its designs, than that of reviewing the projects which have heretofore promised national blessings, and inflicted national calamities. Of these I have seen a succession, calculated to raise up a pecuniary aristocracy, at the expense of labor and industry; while each project as loudly protested that it only contemplated the good of the nation, as is done by the several items of this bill.

The first of these projects occurred on the establishment of this Government. The Revolutionary war had thrown into circulation a paper currency, State and Federal, of various denominations, such as paper money, certificates, and final settlements. Every body had obtained some of these currencies, and all had greatly depreciated. Under the pretext of establishing national credit a combination of men was formed, who ingeniously got possession of certain descriptions of these currencies, and effected a conversion of them, both principal and interest, into specie; leaving the great bulk of paper currencies, founded upon assurances equally solemn, and circulated by the same necessity, to perish without redemption. This mass being diffused among the people, the purpose of the proposed national project would not have been effected, had the same degree of justice been rendered to all. Next followed, for the national good, also the assumption of the State debts; but it resulted in giving a specie value to such portions of State currencies as had been monopolized, and leaving the rest to perish. Banking was the next project brought forward, also for the national good; and how far it has fulfilled this profession, or whether it has only effected its real design of transferring wealth from industry to fraud, the Senate knows. A tariff, to introduce and nourish manufactures, was the next national project. It professed a detestation of every mercenary view; and patriots—disinterested patriots—were even dug out of the earth in geological masses. The pension law was the last project which I shall recur to, in order to illustrate the pretext of national good, always used and seldom fulfilled.

In order, sir, to display the effects of this succession of national projects, I have prepared an account, every item of which is extracted from, or sustained by, documents from the several departments, but chiefly from the returns of the Senate's resolution on the first day of March, 1823, which I had the honor to propose, for the purpose of obtaining facts to be used upon this subject, expected to occur at the present session.

But, before I adduce the account extracted from these returns, I must premise that the contrast thereby exhibited between nine and seventeen States is by no means intended as a complaint against the former, as States, on account of the great pecuniary advantages they already enjoy. These, so far as they are derived from the legitimate sources of superior skill and industry, do not excite any envy in the Southern States. Far from grudging them their just acquisitions of wealth, we participate in these genuine exhibitions of prosperity, and rejoice in the success of their honest industry. We complain only of legislative frauds, by which our property to a great extent, and theirs to some amount, is transferred from poverty to affluence—from labor to ease—and from industry to idleness. We complain, independently of the gross oppression thus inflicted upon individuals, that this policy is merely a copy of the English combination between the Government and capitalists, and only tends towards the establishment of a pecuniary aristocracy, such as that produced in England by the same process. We complain that this policy, so oppressive to a majority, and so adverse to the principles by which alone a just and free government can be preserved, has already proceeded here with such vast strides as that this legislative giant has become a match—perhaps an overmatch—for agriculture, ship-building, and commerce, united. We believe that this aristocratical pecuniary combination will constitute a more oppressive government here than in England, because there it can only intrigue with a very few interests; whereas here it can enlist geographical and local interests, as instruments to work on its side and provide for its avarice. In England, the agricultural interest is very different from ours—it is that of landlords, united by one impulse, too powerful to be coerced, and requiring equivalencies. Here the agricultural interest is divided by climates and dissimilar products. The legislative pecuniary aristocracy here may therefore enlist auxiliaries by local partialities, which it cannot do in England. It may get votes by indulgences to wool-growers and hemp-growers, and draw recruits from agriculture itself, to fight in its mercenary ranks. This fact forcibly illustrates the intention of the Constitution in giving to Congress a power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" to use the word *commerce* in accordance with the principles of the Union and the local independence of the States; to use it in the same sense obviously annexed to it in the cases of foreign nations and Indian tribes. As a pecuniary aristocracy could not convert these nations and tribes into victims for feeding its avarice, in virtue of the word *commerce*, so that word was never intended to invest it with a power of rioting upon the entrails of devoted States. The uniformity required in the imposition of imposts and other taxes, corresponds with a construction of this word which leaves unimpaired the local justice and security intended to be established by this uniformity, and visibly interdicts the destruction of one of the plainest principles of our Federal Union, by giving to a single word, used in a particular case, and limited to a special application, a meaning which would obliterate substantially the uniformity required, and expose the members of the Union to the frauds and oppressions which this rule was intended to prevent.

I return to the account presently to be exhibited to the Senate. It consists of a retrospective view of the projects called *national*, by which the nation has been deluded to submit to an unconstitutional tribute, both fraudulent and oppressive. Sir, it is right to follow the example of one of the freest nations commemorated by history, in calling a spade a spade. The capitalists, however, whose *welfare* is not recited as an object of taxation by the Constitution, have, with wonderful ingenuity, persuaded us that a spade is a punch-ladle; and whilst they are loading us with tools to be laboriously used for their benefit, contend that spades, ploughs, and pitchforks, are instruments of luxury, filled with excellent viands, for the gratification of agriculturists. This exceeds the ingenuity of Lord Peter, in Swift's Tale of a Tub, who contended that a crust of bread was a leg of mutton—both of these might be eaten.

The following account is extracted from official reports, exhibiting the pecuniary advantages of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, and Pennsylvania. The Territories are included under the name of States, to avoid frequent distinctions, and to make the contrast complete.

Impost and tonnage duties annually -	$23,932,114
Deduct the portion collected in the seventeen States - - - -	3,678,736
Collected in the nine States - - -	20,253,378
Deduct one-third as paid or consumed by the nine States - - - -	6,751,126
Paid or consumed by the seventeen States	13,502,252
Views of Tonnage.	
Tonnage, including foreign trade, coasting, and fishery - - - -	1,324,699
Deduct one-seventh owned by the seventeen States - - - - -	189,242
Owned by the nine States - - -	1,135,457
Annual profit of tonnage owned by the nine States at $20 a ton - - -	$22,709,140
Deduct one-third consumed by the nine States - - - - - - -	7,569,713
Annual gain by the nine States from tonnage - - - - - -	15,139,427

Second view of Tonnage.

	Tons.
Foreign trade tonnage reported in 1816	800,759
Deduct one-seventh owned by the seventeen States - - - - - -	114,397
Deduct one-third as consumed by the nine States - - - - - -	228,787
Consumed by the seventeen States -	457,575
Annual gain of the nine States at $20 a ton - - - - - - - -	$9,151,500

Third view of Tonnage.

May 15, 1822, a committee reported the annual gain of the United States from foreign trade tonnage to be - -	$20,000,000
Deduct one-seventh as owned by the seventeen States - - - - - -	2,857,142
	17,142,858
Deduct one-third as consumed by the nine States - - - - - -	5,714,286
Annual gain of the nine from the seventeen States - - - - - -	11,428,572

So far, sir, these facts are stated as a basis for the two first items in the following account; and as from the Treasury report it appears that less than one-seventh of the impost and tonnage duties are collected in the seventeen States, their share of importations and tonnage is apparently rated too high.

Annual imports of the United States about	$77,000,000
Deduct one-seventh supposed to be imported by the seventeen States - -	11,000,000
	66,000,000
Deduct one-third consumed by the nine States - - - - - - -	22,000,000
Balance in favor of the nine States -	44,000,000

Commercial profit on this balance, drawn annually by the nine from the seventeen States at 10 per cent. - -		$4,400,000
Annual gain on the balance of tonnage by the nine from the seventeen States		11,428,572
Interest of national debt annually received by the nine States	$5,079,482	
Interest received by the seventeen States - - -	563,243	
Balance of interest received by the nine States - - - - - - -		4,516,239
Amount of incorporated manufacturing capital in the United States returned - - - - -	$70,656,500	
Add the factory capital of Rhode Island not returned	2,000,000	
Add for twenty-eight incorporated factories of unlimited capital in Vermont -	1,000,000	
Amount - - - - -	73,656,500	
Deduct the incorporated capital of the seventeen States	4,466,500	
	69,190,000	
Deduct a moiety as possibly unemployed - - -	34,595,000	
Balance of factory capital in the nine States - -	34,595,000	
Annual gain by factories from consumers on this balance if the duties only average twenty per cent. - - -		6,919,000
Annual amount of pensions under the pension law - - -	$1,334,788	
Deduct received by the seventeen States - -	288,052	
Annual gain by the nine States at this time—heretofore it was more, hereafter it will be less - - - -		1,046,736
Annual gain of the nine beyond the seventeen States, by the United States Bank - - - - - -		146,038
Annual draft by the nine from the seventeen States - - - - -		$28,456,585

A few remarks, sir, may be necessary to show the moderation and effects of this statement. No profit is charged to factory owners upon $4,466,500 of incorporated capital in the seventeen States. If one half is unemployed, they receive upon the other half annually $446,650, which, added to the factory acquisition charged, increases it to an annual tax upon consumers of $7,365,650, under the existing tariff.

The whole amount annually drawn by the nine from the seventeen States is $28,456,585 according to this statement. Of this sum, 12,628,014 is imposed by legal contrivances, and $15,828,572 gained by tonnage and importations. Is a policy beneficial to the people of the nine States, by which they are exposed to a risk of losing the income they derive from tonnage and importations, for the sake of extorting a tribute from industry, amounting to $7,365,650, of which they must pay a portion, to be bestowed upon a capitalist interest?

The Senate will observe that the results of the computation are probably too low to a considerable extent. No profit is charged on the advance of duties by the nine States, though, as these are added to the cost of the goods, and long credits given for them, they must produce a large profit. No coasting tonnage profit is charged, though that also must be great. The bounties to the fisheries are noticed. One half of the manufacturing capital is deducted, and the profit only computed upon the other half. The profit made by the nine States from the Bank of the United States is certainly too low. The charge of one-seventh of tonnage and importations to the seventeen States exceeds the reports. And the gain of ten per centum on the commercial business done by the nine for the seventeen States is probably too low, as it includes both the profit made on goods sold, and on products purchased. It will also be discovered, by gentlemen better acquainted with the subject than I am, that sundry items which would have increased the inequality, are omitted in the account.

Sir, the deficiency of tonnage and importations in the seventeen States must arise from some cause. They have water, wood, and iron, and yet are almost without ships or commerce, except at the three points of Baltimore, Charleston, and New Orleans. What can this cause be but the annual drafts from their capital? Before these drafts were carried to their present enormity, the Southern States imported chiefly for themselves and had begun to build vessels. Why is it that the enumerated points suffer less by this defrauding policy than the other parts of the seventeen States? Because Baltimore and Charleston receive a considerable share of the tribute it imposes, and New Orleans is too far from the nine States to have its commerce intercepted. But even these points suffer considerably by the drafts coerced from the people, upon whose prosperity theirs depends, for patronizing a pecuniary aristocracy by fraudulent laws.

Sir, it has been said, that, if the seventeen States did not employ northern importers and tonnage, they must employ British. But this would not follow, unless Britain could prevent them from importing, or building ships, by legislating away their capital, as she did before the Revolution. Factories cannot be built, nor manufactures carried on, it is said, without capital. How, then, can ships be built, or the importing business be carried on, by the seventeen States, whilst exposed to an enormous annual draft from their capital? Protection means only capital or monopoly. Do not commerce and ship building languish in the seventeen States? Why, then, take away protection from them, if capital must be called by that treacherous name?

It is also said that the balance of trade with foreign nations is against us; and this being assumed as a fact, is repeatedly urged as a conclusive argument in favor of the tariff. The argument is, however, generally admitted to be delusive. A commercial balance of trade cannot be measured by money nor by custom-houses with accuracy. The prices at which the exchanged commodities sell, and the difference of labor employed in their production, owing to different climates and soils, go deeply into the subject. As it is impossible to discover these, and many other facts, necessary to bestow certainty upon the estimate, the conclusion assumed is obviously a deception. But, admitting it to be true, how stands the balance of trade between the nine and the seventeen States? If a balance of trade between nations and the United States is ruinous to the latter, will a balance of trade against the seventeen States, and in favor of the nine, enrich the former? There is, however, an obvious distinction between a supposed pecuniary balance arising from commerce, and a pecuniary balance arising from a tribute. Although the former cannot be correctly measured by money, the latter may. Thus, it may happen that the apparent balance in favor of the nine States may be somewhat diminished by the inexplicable operations of commerce, whilst the tribute paid by one country to another, by a nation to a despot, or by the seventeen States to a pecuniary aristocracy, admits of little or no compensation. The latter constitutes a balance, not of a commercial character, but between industry and oppression, paid by one, and received by the other. It is true that both banking and the tariff, which operate in the same way upon these objects, promise a compensation to industry, as an indemnity for their spoliations, and we have now been in search of this indemnity for above twenty years. Have we found it? Industry relies upon faith alone for salvation, like an ultra Christian, and rejects visible works as wholly ineffectual. The Deity may reward us for our faith; but what proof did a pecuniary project or an aristocracy ever give of a title to this divine attribute? Alas! poor human nature. Where is its boasted intellect or dignity? It wants clothes, and strips itself to adorn an aristocracy. It wants food, and starves itself to feed an aristocracy. It wants drink, and thirsts to drench an aristocracy. It wants a circulating currency, and, to obtain it, pays to an aristocracy annual millions for a fraudulent one. Could it deprive itself of air and water for the same reasons, it would probably give further proofs of its wisdom, and render its manufactory of privations for itself complete. And it is induced to suffer all these privations by the delusion of an imaginary balance of trade with foreign nations.

History offers us many proofs that this balance is imaginary. I shall cite but two. Russia was raised from barbarism and poverty to civilization and wealth, by exchanging her agricultural products for European manufactures during several centuries. The same commerce, previously to their revolution enabled the provinces to subdue a wilderness, and to obtain unexampled prosperity and happiness. This arose from an exchange of agricultural for manufactured products, by which exchange mutual demands were created, and mutual wealth and happiness diffused. It might be difficult to ascertain whether Britain or the provinces flourished most during the period that this commerce was suffered to regulate itself. Then there were no banks nor tariffs to rob agriculture of its income, and enrich an aristocratical order of men; and exchanges, although confined to Britain, embraced such a multitude of individuals, as to endow the provinces with happiness and an ever-growing prosperity. At length, Britain, discerning the rapid acquisitions of the provinces arising from these commercial exchanges, became envious of their wealth, and resolved to fleece them of it by taxing them to enrich herself. She resolved to constitute herself by laws into a pecuniary aristocracy, and supplant the effects of commercial exchanges, by creating the oppressive balance measured by money. Such a tribute would have been precisely similar to the tribute imposed by banks and protecting tariffs, to bestow money on an internal aristocracy. But our gallant and wise ancestors, discerning the difference between a tribute to an aristocracy and commercial exchanges, took up arms to repel the former project in its infancy, and free themselves from the meditated oppression. Can we, their sons, discern no difference between paying taxes to enrich domestic pecuniary combinations, or to obtain the blessings of a just and free Government? Will taxation, for the coffers of wealth, pay the national debt, or transmit the same degree of liberty to our descendants, which we received from our forefathers? Have we so degenerated, as to be blind to that futurity to which their foresight extended?

A curious pair of reasons is urged in defence of the protecting tariff project. It is often said that competition will destroy prosperity, and also that it will produce it. In support of the first assertion, the manufacturing factories loudly urge the prosperity they enjoyed in periods of war and embargo. In support of the second, they insist, that competition among themselves will in time produce national prosperity, by recreating the violated justice of a fair principle. But why is this hostage for protecting property, by securing it against the aggressions of legal frauds for transferring it to avaricious capitalists, to be suspended in order to revive it? Why should it be killed now, from a hope of a joyful resurrection?

The regret for the loss of war and embargoes expressed by the factory capitalists, is an illustration of the prosperity to be reaped by a pecuniary aristocracy from the destruction of competition; and the joy expressed by the people on the restoration of their prosperity when these calamities ceased, is a proof of the general prosperity produced by competition. A protecting duty tariff is, in fact, a war or an embargo in disguise, producing partially the very same evils produced by similar causes, under different names. The degrees or extent of these evils, does not alter their nature, however they may graduate the calamity; just as the same cause graduates the fluctuations of quicksilver in a thermometer, partial monopolies produce mischiefs comparative only in relation to complete monopolies, produced by wars and embargoes; but they are founded in the same principle, and, if pushed to their utmost extent, would terminate in the policy of a perpetual war or embargo. They are less expensive to the people, and less destructive of their wealth and happiness than complete monopolies, but, though a more tolerable oppression, they are still oppressive.

The enormous extent of this oppression, in reference to the seventeen States, will be seen, by recollecting the account which I have stated to the Senate. By that it appears clearly, I think, that the capitalists created and nurtured by laws, residing in the nine States, are now annually receiving above twelve millions drawn from the seventeen. This considerably exceeds the taxes paid by the nine States, and therefore, if States were only to be considered in estimating taxation and distributing money by laws, it is apparent that the nine States pay no taxes at all, and are, indeed, receiving a tribute from the seventeen, because the acquisition of the pecuniary aristocracy residing within the nine States, exceeds the sum paid by these States in taxes. The observation, however, does not apply to the people of those nine States, who are not pecuniary capitalists. They are defrauded by their contributions to the legal aristocracy, but not to the same extent with the people of the other States.

I return, sir, to the doctrines of competition, contending that it is both good and bad. The capitalists, whilst courting agriculture for the sake of her fortune, are obliged to advance contradictions by first telling her that protection against competition is necessary for their prosperity; and then, that a destruction of this protection by competition is necessary for the prosperity of all other interests. And agriculture, as if blinded by love, has been for years the dupe of this kind of reasoning. Admitting that competition between nations is a bad thing, and that a national monopoly is a good one, it does not follow that internal monopolies, by which one neighbor robs another, are also good. But, excluding the idea of monopolies inflicted by ourselves upon ourselves, upon the whole industrious class of society, to enrich a very few of its unproductive members; let us admit that it is wise policy in one nation to establish a monopoly which shall bring into its coffers the industry of another, and very foolish policy in the plundered nation to submit, like ignorant savages, to the operation. Here we have twenty-six nations concerned in the scramble for money. If it is wise for nine of them to get it from seventeen, by a long list of tariff monopolies, would it not also be wise for the seventeen to keep their own money, if they have any means of doing so? But how can they do it? By the same means which are used, as is said, to prevent a British nation bringing their manufactures here to get away the money of an American nation. A Virginian nation may use these means to prevent its money from being carried off by a Rhode Island, or any other nation. The notion that the twenty-six States are but one nation, is similar to an assertion that the kingdoms and principalities of Germany, probably as numerous, constitute but one nation, and, therefore, that there would be no harm if some of them could get the money of the others by monopolies or protecting duties. If this was attempted, would not some members of the Germanic Confederation be justifiable in using the means to keep their money, used by others to get it?

Tariffs, operating internally, are simply excises, with only one difference; the former cut off or take away money from some citizens to give it to others; the latter transfer the money to a Government. I remember, however, the case of an excise which happened whilst I was a youth, bearing a great similitude to a tariff. At that time, in the country where I lived, there were great bodies of uncultivated lands called ranges, very convenient for raising hogs. But it unfortunately happened that a race of men appeared who introduced the habit of excising this agricultural product most severely. At length a hog raiser agreed to give the hog exciser ten per cent. of his annual crop of hogs, if he would consent to his keeping the rest for his own use. After a year or two, the hog exciseman told the hog owner that he could not prosper without further protection, and the hog owner, thinking it better to save some of his hogs than none, agreed to give him twenty per cent. of his hogs if he would let him keep the rest. But the hog exciseman was rendered by this twenty per cent. still more eager for further protection, and demanded thirty, which was also given by the hog raiser. Even this did not satisfy this tariff or excise man, and his demands became so extravagant that the patience of the hog raiser was exhausted, and in great anger he resolved not to submit any longer to the imposition.

Now what is to prevent the States, whose agricultural profits have been excised and excised, time after time, by tariffs upon tariffs, until they are nearly or quite cut off, from using excises, for the purpose of saving these profits. If a thief is in the habit of cutting away the purses of a whole community, surely that community may prevent him from bringing his knife among them. By the Constitution, the States may, undoubtedly, lay excises to prevent the tariff knife from cutting away their purses. They may extend these excises, as a tariff is extended, to prohibitions. If it was patriotic and magnanimous in Patrick Henry to exclaim "we must fight" rather than submit to some trifling tariffs, or excises, or taxes, imposed by England on the provinces, will it be also magnanimous and patriotic in States, which are not provinces, to submit to the perpetual payment of an imposition a thousand fold greater, to obtain the tyranny of a pecuniary aristocracy? It was said, that as God made iron ore, it would be impious not to use it, and that the tariff, as to iron, is necessary to avoid the crime of neglecting to cultivate the design of Providence. God also made the sea. Is it pious to intercept the comforts and blessings which it was intended to distribute throughout the world, by a tariff? To the same divine creation a man is indebted for two hands. Would it be pious to transfer one hand from some men to others? A tariff to enrich a capitalist interest does this, since there is no difference between taking away the hand itself, or what it produces.

But it is fortunate that the States need not fight to prevent the hands of their people from being amputated. They may impose prohibitory excises upon the factory-knives which cut away their purses. They may extend such excises to the four-footed animals coming from those States which have fortuitously concurred in whetting those knives. The latter is indispensably necessary to save the remant of a perishing agriculture. in the States which receive little or no share of the factory bounties. Although they cannot raise horses, hogs, and cattle, and the tariff principle, which dictates the exclusion of foreign competition to the factories for the encouragement of manufactures, dictates to the suffering States the exclusion of agricultural competition, for the encouragement of their own agriculture, by prohibiting the introduction of all animals which they can raise themselves.

Sir, the trade in live stock has been, and might continue to be, a highly beneficial one to the Western States, and yet they are about to destroy it by impoverishing their customers and compelling them to raise those stocks for themselves, under the notion that the tariff bill will convert the Western people into manufacturers. Europe was led into a competition with the Turks for the Holy Land, by a monk, who is said, by historians, to have been a mighty orator, and, after a vast expense of blood and treasure, the competition failed, because, on the part of the Europeans, it was an effort to break down the laws of nature. So will terminate the fatuity of the Western States. The laws of nature will inevitably frustrate their fanciful competition with the Eastern States, in manufacturing. They are remote from the ocean. Industry is not as necessary to the same extent for their comfort, as to the Eastern States. Centuries will elapse before their population will become sufficiently dense, to create the stimulus of want. And long, long, will it be, and may it be, before a high-minded people shall sacrifice the happiness and comfort of possessing the rich valleys of the Mississippi, and of its tributary streams, spacious enough to constitute an empire, for the purpose of waiting upon spindles, plunging into an hopeless competition, and placing upon a throne the tyrant called a pecuniary aristocracy.

Sir, the Western States have already tried the experiment, and are writhing under its lash. What has the existing tariff done for them? It has for years, with inexorable consistency, taken away the money annually gained, to a great amount, by their live stock trade. Had the Western States, during this period, manufactured for themselves, instead of pursuing the phantom of manufacturing for others, this money would have accumulated, and their distresses have long since disappeared. Instead of this, they have fostered the system of a capitalist or aristocratic privileged interest, and this system has swallowed up both their money and the money of the Southern States, the diminution of whose prosperity diminishes theirs. Severely lashed by the existing tariff, they expect a cure for their wounds from repetitions of the same afflicting experiment. They have engaged in a crusade to acquire wealth and liberty by endowing a pecuniary aristocracy, not attended by the poor equivalent of residing among them, with above twelve millions, annually, already, and now they propose greatly to increase the slavish contribution. They will, ere long, begin to compute and compare their waste money and liberty upon this project, with the money and liberty they will gain by a tax upon hemp and cotton bagging.

For, in truth, this is not a tariff bill to encourage manufactures. It is a bill of bargains, to enrich a pecuniary aristocracy. This aristocracy is a polygamist, and is, by this bill, courting a number of local interests, with a design to marry them for the sake of their fortunes; and, as Spindle attempted with Lady Truman, it proposes to bribe them with small portions of their own estates, to get the rest for itself. Only give me, says the generous husband, about sixteen millions per annum out of your estates, and I will give to one sweetheart, because she is a sturdy lass, and has great influence, two taxes, one upon hemp and another upon cotton bagging, by which means the dear girl may get pin-money, and even depreciated paper. To another gentle shepherdess, I will give a tax upon wool. To a virago, a tax upon iron; and to a seafaring nymph, sundry little intricate trinkets. Well, the courtship may succeed for a time, but I foretell that these marriages will not last long, and that the avarice, infidelity, and insolence of the husband, will, in this inquiring country, very soon bring about divorces. Indeed, he is a species of helpmate who is always ready to repudiate a wife, if he can thereby get another who will bring him more.

I do not think that this is a question having any relation to political economy, or that the intricate distinctions upon that subject apply to it at all. On the contrary, it seems to me to be one proposing only two very plain considerations for public attention. Will a pecuniary aristocracy preserve a free form of government? Will it dispense individual justice? Already, by imposing upon ourselves a multitude of privations, we have raised this species of aristocracy to a power so formidable, that our newspapers have almost become its property; our tables groan under its presumptuous petitions; geographical districts are swayed by its patronage; and it is now attempting to impose an oppressive law upon all other interests, for the sake of extorting from them an enormous additional tribute for itself. If this new power, created by our laws, should already prove too hard, either by cunning or corruption, for the other interests of society, the question whether it ought to be submitted to or demolished, will next present itself to the people of every State. Then they will every where consider whether land is not the most valuable of all machines; whether it is not the basis or raw material for a long catalogue of the most valuable manufactures; and whether protection should be withheld from it, and its own capital transferred to the protection of other less important interests; especially when it is notorious that this policy or fraud has been persisted in, until the profit of agriculture is, in some parts of the country destroyed, and in others so greatly diminished, that capital every where flees from land, as if it was a grave yawning to swallow it up.

But there remains a more weighty objection to the system for nursing a pecuniary aristocracy into a political giant. It destroys substantially the essence of representation, and leaves only its form remaining. Wherever the aristocratical influence begins, there representation ceases. If this influence can sway legislative bodies, no effectual representation exists. All writers agree that the despotism of one country or district over another, or a geographical tyranny, is more cruel than a monarchical. Rome and Britain are witnesses to the fact. Our Constitution intended to abolish both geographical and monarchical tyranny. The uniformity of taxation was its precaution against the former. But, if a capitalist interest can influence representation, and mould the laws to enrich itself, representation becomes both its instrument, and a bandage over the eyes of the people. There is no representation unless the representative shall participate in the burdens which he imposes, and is prevented from creating monopolies of which he may share. Under our Constitution neither territories nor representation were intended to be consolidated; or law, geographically partial, to be enacted. It was never intended that the West should be the guardians of the East, nor the North of the South, nor that the specious but false idea of a national representation should be used to abolish a real representation, upon which a republican government must be founded, or finally cease to exist. Will it be said that a capitalist or pecuniary aristocracy have obtained a tribute of twelve millions annually without a revolutionizing influence over representation, and that, without such an influence, it may now add four or five millions annually to this tribute; or will it be said that this influence, compounded of a complication of bargaining between avaricious combinations and deluded geographical districts, between wealth and want, between cunning and ignorance, between fraud and delusion; in short, between the destructive meteor called a capitalist aristocracy, and those whom it bribes, that it may plunder about an eighth part of the globe? Will it be said that this influence is that kind of representation which will preserve republican government, and relieve the universe from tyranny?

When Mr. TAYLOR had concluded—

Mr. HAYNE next advocated the motion to strike out the minimum on cotton cloths. He gave a very precise and detailed statement of the operation of this provision in the bill, upon the various descriptions of goods, and proceeded to expose the impolicy of taxing these articles excessively, in order to gratify a few manufacturers. He contended that the cotton manufacturers were the last class of citizens that ought to come to Congress for assistance, as he knew, by recent personal observation, that they were the most prosperous men in the nation. He stated to the Senate the results of a visit he had made, within the past year, to the great cotton manufactories of the Northern States, to illustrate his position that these establishments were peculiarly prosperous, when carried on with the advantages of skill and capital. Mr. H. proceeded to comment upon the operation of the former duties levied upon cotton goods, and to state the losses of trade and of revenue which had resulted from those duties. He expressed his belief that very much of the distress of the country had been superinduced by the act of 1816, which imposed heavy duties on this article. He then adverted to the very small amount of cotton goods exported from the country, and averred that the manufacturers could not compete with the British, in the South American markets, when they cannot do it in our own, without these excessive duties. He insisted that England would not take our cotton, unless we purchased her goods; and that this act would be followed up by countervailing duties, on the part of the British Government. He alluded to the example of England, in relation to this policy of levying protecting duties, and reverted to the circumstances which had made her a great nation. Her national greatness was not the result of her manufactures alone; but of the gradual and continued growth of all her institutions, and of all her different means of employment. He drew a comparison between the machine labor of England, and the agricultural labor of this country, advantageous to the latter. He spoke of the general course of labor, to seek its own level. Mr. H. then adverted to the frequent remark respecting the encouragement given to commerce, and to show that other national purposes authorized the laws confining the coasting trade to American vessels. The law imposing discriminating duties was merely to put our vessels on a footing with those of foreign nations. He drew a comparison between the protection that the Government had given to commerce, and that which had been extended to manufactures. He spoke of the prohibitory duties which had, from time to time, been imposed in England; a review of which, he thought, would demonstrate clearly the impolicy of encouraging the growth of manufactures by such means. He stated that one hundred different acts, having a view to bounty and restriction, had been repealed by the British Government. He read, from the recent proceedings of Parliament, to support his position; and concluded by begging gentlemen to pause before they adopted this measure in relation to an article of such great importance to the country.

Mr. DICKERSON replied to Mr. HAYNE. He had great confidence in the legal talents of the gentleman from South Carolina, but thought he was not the best person to examine cotton manufactories. A few individual instances in which these establishments were prosperous, he thought, ought not to be taken as a sample of the whole; he spoke of several in New Jersey, which were in a very different situation. He thought the tariff of 1816 had been very beneficial to the country, and proceeded to recount its benefits. He conceived that it would be no injury to the country, if the coarse foreign cottons were excluded from it. No one great employment, Mr. D. said, could give an inordinate profit, for the capital of the country would immediately be invested in it. He alluded to the remarks of Mr. HAYNE in reference to the loss which the country had sustained in its revenue, in consequence of the act of 1816. He hoped the time would arrive when we should not derive such a heavy revenue from importations. He contended that foreigners would always take from us what they want, of cottons and other articles, and no more. He considered the revenue of no importance to this question. He adverted to the general distress and bankruptcy which existed in the country. These bankruptcies had been produced by excessive importations, and the balance of trade being against us.

Mr. MACON next rose. He was surprised to hear persons from the rich and fertile country, in the Western and Middle States, endeavoring to impress upon Congress the necessity of imposing taxes on the poor country in the South. He spoke of the general poverty of his part of the country, particularly in regard to soil. He alluded to early marriages in the West, as a criterion of its prosperous situation. He had always been, individually, a patron of American manufactures; but he wished to be a volunteer in that cause; he had no idea of being forced into it. He spoke of the folly of supposing this nation was to become great in consequence of its manufactures, because England had become so. He had rather see the people living upon their own lands, than pent up in manufactories. He wished to see the people independent in their mode of living. He did not believe that manufacturers were more industrious than other people. He denied that this measure was for the good of the nation. When people used the word nation, on this subject, they generally meant themselves. He said he disliked the tax on cotton bagging as much as this; and he should call the attention of the Senate to that subject again. Mr. M. again recurred to, and remarked further upon, the poverty of the southern part of the country.

Mr. LLOYD, of Massachusetts, spoke in support of the amendment. He replied to the remarks of Mr. DICKERSON. He believed there had been, at no time, more specie in the country than at present. He spoke of the low rate of interest at which money could be obtained. He asserted that, to the best of his knowledge, the cotton manufactories of New England were generally very prosperous—and spoke, particularly, of that at Waltham; with the history of which he was more intimately acquainted. He related the manner in which that factory was established; and read a minute of the dividends of profits that had been made by the establishment. Mr. L. stated that stock in that factory had recently been sold at sixty-five per cent. above par; this institution, he said, had been established without foreign aid, and he believed but one foreigner had been employed in it.

Mr. D'WOLF rose to speak to the question, but gave way to a motion to adjourn; and the Senate then adjourned.

WEDNESDAY, May 5.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom were referred the bill, entitled "An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;" and the bill entitled "An act for the relief of Isaac Collyer and others," reported them, severally, without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act for the relief of Benjamin King;" the bill, entitled "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representatives of either of them;" and the bill, entitled "An act for the relief of Robert Brotherton;" reported them, respectively, without amendment.

On motion, by Mr. Mills, Amasa Stetson had leave to withdraw such of the documents accompanying his petition as do not appertain to the bill for his relief.

Mr. Lloyd, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of George Ulmer, made a report, which was read and considered; and, in concurrence therewith, the committee was discharged from the further consideration of said petition.

Mr. Noble, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of William Hall, an invalid soldier of the Revolutionary army," reported it without amendment.

Mr. Lloyd, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act for the benefit of the Columbian Institute," reported it without amendment.

A message from the House of Representatives informed the Senate that the House disagree to a part, and agree to the residue, of the amendment of the Senate, to the bill, entitled "An act concerning invalid pensions." They have passed a bill, entitled "An act for the relief of the heirs of Miguel Eslava;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent; and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters;" and a bill, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine;" in which they request the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, (Mr. King, of Alabama in the Chair,) proceeded to consider the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

The question was upon the amendment moved by Mr. Elliott, on Monday last, to strike out that part of the bill which establishes the minimum for the calculation of the duties on cotton cloths and cotton twist, yarn, or thread; which proviso is as follows:

"*Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly:"

Mr. Bell rose to ask some information of the gentleman from Massachusetts, in regard to the cotton machinery at Waltham; he had understood that great quantities of machinery, of a very valuable kind, were made at that establishment. He wished for information on that point; and what proportion of the profit had been made from that branch of the business; and, also, whether the concerns of that institution had not been, in some measure closed, and a reserved profit divided, for the purpose of joining their funds with another manufactory at Chelmsford.

Mr. Lloyd, of Massachusetts, replied, and gave what information he possessed, on the points upon which inquiry was made; and made some further statements in relation to the manufacture of cotton.

Mr. Bell commented on the information which had been given by the gentleman from Massachusetts.

Mr. D'Wolf replied, at considerable length, to remarks which were made yesterday, on the subject of the cotton manufacture. He proceeded to show the means by which the Waltham establishment had been made profitable; and remarked upon the necessity of further encouragement to this manufacture generally.

Mr. Mills replied to Mr. D'Wolf; and made some further explanations in regard to the manufactory at Waltham. Mr. M. had been informed that not one cent of the profits made on the manufacture of machinery, at the Waltham establishment, had been divided; but that the profits on that branch of the business had been reserved.

Mr. Smith supported the amendment. He replied to some of the arguments which had been adduced in favor of the minimum on cottons; and remarked that every cotton manufactory, which had been conducted with skill and capital, as that at Waltham had, had been profitable to the proprietors. He spoke of an establishment which had been erected in his own State; and which had failed for want of a competent knowledge of the business. The buildings and machinery having been sold to others better acquainted with the business, the establishment had become profitable. He proceeded to comment upon the operation of the Tariff bill of 1816.

Mr. D'Wolf explained, in reference to a remark he had made.

Mr. Benton then rose. He had been perfectly satisfied, by the remarks of gentlemen on this subject, that the cotton manufacture was profitable, when conducted with skill and capital; and he rejoiced that it was so. He considered this article a fair subject of revenue; and that the duty now proposed to be levied would fall upon the rich and luxurious. He contended that the shipping interest would not be affected by this duty. Mr. B. described the kind of goods the tax would operate upon—he stated that it would hardly amount to more than a cent or two a yard, and that upon articles of luxury. He spoke of the operation of this bill upon the revenue of the country, and expected that our finances would be benefited by it. He reverted to the operation of the present minimum of twenty-five cents per yard, upon the India cottons, as highly beneficial to the country, and anticipated as happy results from the minimum now under discussion. Mr. B. commented upon the course England had taken, in regard to our articles of export. He contended that she could not jeopardize her manufacture of cotton, by any retaliatory measures upon this country, which would go to enhance the price of the raw material. He believed that too large a proportion of our population were employed in agriculture; as a great surplus of agricultural productions were on hand without a market. He spoke of the advantages this country possessed for manufacturing; and those circumstances which would save it from the demoralizing effects that attend these establishments in other countries.

Mr. DICKERSON, of New Jersey, spoke as follows:

Mr. President, as a number of gentlemen have taken advantage of this motion to afford them an opportunity of expressing their opinions upon the general principles of the bill, I feel compelled to follow their example. I yesterday expressed my opinions upon this minimum, in reply to the gentleman from South Carolina, (Mr. HAYNE,) to which I have nothing new to add, but will endeavor to give my views of the general principles of this bill, in answer to the observations upon this subject by the gentleman from Georgia, (Mr. ELLIOTT,) the gentleman from South Carolina, (Mr. HAYNE,) and the gentleman from Virginia, (Mr. TAYLOR.)

That some radical change in our system of agriculture, manufactures, and commerce, is required, is incontestably proved by the distressed condition of all those branches of industry. To apply the remedy is the business of Congress.

The prosperity of a nation can only be secured by fostering and protecting its industry. The whole secret of national wealth consists in finding profitable employment for all who are willing to devote themselves to labor. This is now well understood in most of the Governments of Europe, and adopted as the only means of prosperity, except in Holland, whose distress will, in time, compel her to adopt the same policy.

Ustaritz, a Spanish author of great financial and mercantile information, about a century ago, fully developed this source of national wealth for the benefit of his country, but in vain, perhaps to the injury of his country, for it taught the English the means of growing rich at their expense. The Spaniards, relying upon their mines of silver and gold in America, ceased to protect their industry at home, and depended upon other nations for their manufactures, especially upon England, which indirectly derived much greater advantages from the Spanish mines than the Spaniards themselves have done. Ustaritz predicted the ruin that this system would bring upon Spain. He advised his countrymen to pursue a contrary course. He advised them to protect their manufactures and their agriculture, but they thought their mines would enable them to grow rich, without devoting themselves to industrious pursuits. Had his advice been followed, it would have been worth to the Spaniards more than all their Indies. By neglecting it, they have become a fifth or sixth rate Power from being the first in Europe. By neglecting this advice they have, with all their gold and silver, become poor. Chaptal, upon French industry, says, "if Spain, rich in the productions of the new world, had preserved her pre-eminence in manufactures, she would, without doubt, be at this time the most powerful nation in Europe."

This source of national wealth has been discussed with great ability and zeal by writers in the United States, who must and will ultimately succeed in convincing the people at large, if not their representatives, that the Government, to secure the independence, the wealth, and power of the nation, must protect our agriculture and manufactures, as well as our commerce, navigation, and fisheries. The process is slow, but the final success is certain. Twenty years from this time, our country will duly appreciate the merits of authors upon this subject who are now reprobated as disturbers of the harmony of the country.

The importance of protecting industry applies more forcibly to the United States than to any other country. With a vast extent of fertile territory, under various climates, producing nearly every thing that our wishes or necessities require, if we are not prosperous and happy, it must be because we do not rely upon our own resources, but depend upon foreign nations for those supplies which nature has placed at our own doors. By the policy heretofore adopted, we suffer Europe to prescribe the laws which regulate the prosperity, or rather adversity, of this country. To this may be attributed the distress which has prevailed in almost every section of the United States for the last eight years.

It is to this that the balance of trade for that period has been against us to an enormous amount. It is to this that our gold and silver have been drained from the country. It is to this that our Government stock, bank stock, canal stock, and every kind of stock, that will be taken for foreign merchandise, is as well known upon the exchange at London as at Boston, New York, or Philadelphia. It is to this, that foreigners, by their agents, hold mortgages upon our lands to a large amount. It is to this that we pay to foreigners an interest of more than three millions of dollars, annually, upon the debts we owe them.

Our Government early saw the importance of protecting certain classes of the industry and enterprise of our country. Commerce was first attended to, because it furnished the channel through which we were to derive our resources. Navigation and the fisheries were attended to, because they afforded nurseries for seamen who might be wanted for the defence of the country. Agriculture received great protection, (although not an adequate one,) because it has been justly esteemed the most important interest of our country. But the manufacturing interest has been neglected, from an opinion that the country was not yet prepared to encourage that kind of industry;—because (as was thought) it would operate to the injury of agriculture; because it would diminish the business of the merchant, and decrease the tonnage engaged in navigation; and because it would decrease the revenue. No one of which reasons has the least foundation in fact. Our population and capital engaged in navigation and in our domestic commerce is completely protected, and as much is done for foreign commerce as can be done; but over that we have not the entire control. Foreign commerce must always be somewhat precarious, inasmuch as it must depend more or less upon the disposition of nations with which we trade. But, whether protected or not, more has been done for it than for all other branches of industry together.

In the last eight years we have imported for our own consumption more than one hundred millions worth of manufactures, which we might have made and ought to have made for ourselves, while a large portion of our population have remained idle for want of employment. But it has often been repeated that there is sufficient employment for all the population of the country, without resorting to manufactures; that we have immense tracts of fertile lands, not cultivated, to which this population might be removed, and where they would soon become rich.

In some of the States this is not the case—all their good lands, except such as should remain for wood or pasture, are already under cultivation. Are the inhabitants of such States to be driven to the wilderness, to find employment in distant and uncultivated districts—to abandon society, friends, relations, their native soil? In doing this, they would not find their condition at all mended. By their labor they would gain a subsistence, but nothing more. For their surplus produce they could have no market, unless it should be cotton, rice, or tobacco; and these will soon cease to yield the profits they have done.

Does agriculture afford employment for the whole population of a country? In England, no more than one-third part are engaged in agriculture; and this is a larger proportion than is necessary. In the United States, five-sixths are engaged in agriculture—that is, three-sixths or one-half of the whole population is more than is required for the purpose. The consequence is, that they remain a great part of their time unemployed; and will even then have a large surplus of produce, which perishes on their hands for want of a market.

It is said manufactures require a dense population. Suppose the State of Pennsylvania, with a quarter of her present population; with no foreign market for her surplus produce—as is now the case, and must always be the case, with the interior of the State,—could all her citizens be profitably employed in agriculture? There would be good land enough for cultivation, but what inducement could there be for raising more grain, and other provisions, than enough for their own consumption? Men will not labor without a view to reward. One-third could raise all that the whole would consume;—of course two-thirds, with the exception of those engaged in professional and mechanical employments, would remain idle; or the whole would be engaged about one-third of the time in agriculture, and spend the rest in idleness. This is actually the case with the interior of tht United States, where there are no manufactures, and from which the produce of the soil would not pay the expense of transportation.

But, suppose that State to be as populous as England, and that they have a foreign market for their surplus produce—which they never will have, except for short periods, and in a way to do them hurt, and not good,—one-third would till all the soil that would yield a profit; and two-thirds, with a small exception, would remain without employment, unless engaged in manufactures. So that, whether our population be sparse or dense, there is an equal necessity that agriculture and manufactures should proceed together, and with an equal step—they mutually aid and support each other. Those engaged in manufactures withdraw from agriculture, and consume the produce of the farmer.

There was a time when the people of this country could all be profitably employed in agriculture, because there was abundance of good land, and a market for all their produce; but that time has passed by more than a century ago. It was when we had a small population near the seaboard, and when the whole country did not produce what a single State can now produce. The foreign market for breadstuffs can never again be an important object to the United States, perhaps never more so than at present; for, as soon as the late Spanish provinces in America shall be restored to peace, we shall have no foreign market for that kind of produce. But, suppose that Europe should want of us as much as she took in time of peace twenty-five years ago, a single State could furnish more than the supply. Our population doubles in twenty-five years, and our means of production treble in that time, while the population of Europe remains nearly stationary; of course, the market can be one of no great importance; in fact, the grain growing States must look for a market at home for their produce, which they never can have, unless manufactures are encouraged and protected. Manufactures from a distance cannot be paid for in the heavy produce of the soil, as the latter will not bear the expense of transportation. The manufacturing establishments must be placed in the districts where the supplies are produced, or no exchange can take place. Yet foreign dry goods find their way into the most remote parts of the Union.

If the ruinous state of our trade with Europe pressed equally on every part of the United States, it would be considered as an enormous evil, for which an adequate remedy ought immediately to be provided. But the evil is greatly aggravated when we consider its unequal operation upon different sections of the Union.

In 1822, we imported to the amount of		$83,241,541
Our exports of foreign goods and produce, which properly belong to the carrying trade, amounted to - -		22,286,202
		$60,955,339
Domestic exports arising from the agriculture or manufactures of the country - - - - - - -		49,874,079
Leaving a balance of imports over exports of - - - - -		11,081,260
The whole domestic exports - -		$49,874,079
Of these, rice amounted to	$1,553,482	
cotton to - -	24,035,058	
tobacco to -	6,222,838	
		31,811,378
Leaving of all other exports - -		18,063,701
Of this, the States exporting rice, cotton, and tobacco, export at least a fourth part - - - - - -		4,516,000
Leaving exports to the amount of -		$13,547,000

Which may be considered as the whole that the Eastern, Middle, and grain-growing States exported during that year.

The half of the imports, over and above the foreign exports, have probably been consumed by those grain-growing States, say - - -	$30,477,669
Deduct their share of the exports - -	13,547,000
Leaving a balance against these States of - - - - - - -	$26,830,669

Five and a half millions of it to merchants in Europe, and twenty and a half millions of it to the States producing rice, cotton, and tobacco. The next year, the balance, by a similar calculation, was not so much against the grain-growing States, but amounted to more than twelve millions in favor of the States producing rice, cotton, and tobacco; and this sum may be considered as the average balance for several years past.

So that, under the present state of things, the grain-growing States, consisting of at least two-thirds of the population of the Union, are compelled to take of European manufactures to the amount of twelve millions of dollars; that six or seven States may have the advantage of sending remittances in payment of those manufactures, and selling their bills for the same at an extravagant advance, in consequence of which the wealth of the grain-growing States is flowing in a constant stream to the States producing rice, cotton, and tobacco. If the grain-growing States had the power to prevent the importation of foreign produce and manufactures for their consumption, the Southern States would no longer receive the benefit of indirectly furnishing those supplies; and are those Middle and Western grain-growing States forever to take twelve millions of manufactures annually, which they would under proper regulations make for themselves, that their neighbors may have a market for their produce to that amount—giving employment to all their capital and industry, while that of the other States remains unemployed? How long are we to remain in this state of vassalage? How long can we remain so? How long will our patience endure? How long our means last? Until we can understand our true interests—count our numbers, and rally our votes.

It is said there is nothing to prevent the success of our manufactures. They require great capital and great skill—they have not proceeded in any country without the aid and protection of the Government. In England, where they have arrived at the greatest perfection, they have received the greatest protection—in England, where they have received the greatest aid from Government, they have done the most for the Government. To manufacturing establishments that country owes her gigantic power.

Manufacturers cannot succeed unless capitalists can be induced to vest their capital in establishments necessary for those purposes. It is in vain to call upon our population not engaged in agriculture, to work at manufactures, when no capitalist will employ them. It is in vain to call upon the capitalist to invest his money in manufacturing establishments, when such investment would probably result in the loss of his capital. If the capitalist could compel the people to work at as low a rate of wages as in given in Europe, we could succeed; but men will not do that, unless famine is staring them in the face, which will not be the case in this country for some centuries to come—when our population shall begin to press upon subsistence.

The capitalist must be enabled to derive a reasonable profit upon his investment, giving a reasonable price for labor, or he will reserve his money, the value of which is enhanced by the distress of the country.

Sir, it is the true policy, and the true interest of the country, that the people should have employment that would yield them a reasonable price for their labor—they should be enabled to have the comforts of life, and to educate their families. The labor of the country is the wealth of the country. We owe every thing to the laboring classes—something is due to them. If any wish to see the laborers of this country compelled to work for a bare subsistence, I hope the number is small. Let the capitalist in this country have the same advantages in the investment of his money, in all branches of industry, as they have in England, and no more will be asked of the Government.

Smith, in his Wealth of Nations, shows the great importance of preserving the "balance which naturally establishes itself among all the various employments of society." Premiums, he says, may be allowed, "as their tendency is not to overturn the natural balance of employments."

His system is to preserve this natural balance of employments, about which he is as solicitous as some politicians are for preserving the balance of power among nations. But the friends to the domestic industry of the country do not wish to overturn this natural balance of employments among the citizens of the United States, but to prevent its being overturned by the Powers of Europe, who are struggling by every possible means to make us pay for the produce of their industry, to the neglect of our own; this we must counteract, not by individual exertion, which would be inadequate, but by our laws. The Powers of Europe absolutely prohibit the produce of our industry that can interfere with their own, or lay such duties as amount to a prohibition. We should countervail this, by excluding the produce of their industry that could interfere with our own. England gives bounties and premiums to force her manufactures upon us; these ought to be countervailed, or the natural balance of employments in this country is overturned, not by ourselves, but by our rivals. The overgrown population of that country, now beginning to press upon subsistence, and the abject poverty of the laboring classes, oblige them to labor for a bare subsistence; from which circumstance, they are enabled to undersell us in our own markets. This should be counteracted. The laborers at the manufacturers receive a large portion of their support from the poor rates, which in fact have the operation of bounties to manufacturers. About one million of the population of England are relieved permanently or occasionally by the poor rates, for which purpose about six millions sterling are raised annually; probably a third of that may be considered as going to the support of the poor laborers in manufacturing establishments; and, in the work of Mr. Lowe, it is stated that the distribution of parish allowance to manufacturers in England operates as a serious comparative disadvantage of their humble brethren in the North, (Scotland.) Thus, when in a depressed branch, the wages are equal to only eight or nine shillings per week, the allowance of poor rate to the English manufacturer may, and generally does, carry his receipt to ten or twelve shillings—a difference which has had the effect of inducing a number of the Scottish workmen to forsake their homes.

This species of bounty must also be counteracted, or the distressed condition of the laboring classes in England must produce a correspondent distress in this country. In fact, if we do not provide means to counteract all these circumstances, which have a direct tendency to overturn the natural balance of employments in this country, England controls our destinies as much as she could do were we still her colonies. Unfortunately, a part of our country find it their interest to aid England in thus regulating the industry of this country; but this cannot be a large part. The shipping merchant, also, sometimes finds it his interest to promote the same system. A few cities and towns on the seaboard may also have the same views and interests, but the interior, now containing the great body of the people, have an interest directly the reverse, which, until lately, they have not understood, but which hereafter will regulate their policy. A nation cannot be great or prosperous upon agriculture alone, nor upon agriculture and commerce—a nation to be truly great, must enjoy the benefits of agriculture, commerce, and manufactures; all these are required to give employment to the capital and industry of a country. But we are informed that this idea of a balance of trade against us is visionary; that the custom-house books afford no just criterion by which to judge; that, in fact, we cannot import more than we export; that imports and exports regulate and control each other; that, notwithstanding this supposed balance of trade has been uniformly against us, we have been constantly growing rich.

In 1815, the revenue upon our importations amounted to thirty-six millions of dollars. Was there no balance of trade against us then? The effect of that importation is felt to this day. We sent to England, in payment of that balance, all the money we could spare—a large portion of our Government stock, bank stock, and canal stock—the residue was paid off in bankruptcy to the amount of many millions. Had the United States been obliged to pay these balances due from bankrupts, every man in the Union would have understood that there was such a thing as an unfavorable balance of trade.

When we have sent away all our property that is capable of transfer, in exchange for articles of merchandise imported; and, when the merchants of Europe shall refuse to give us further credit, then, indeed, our imports will not exceed our exports, and the balance of trade will no longer be against us—a state of things to which we seem rapidly approaching.

It is said the country cannot be distressed, because there is a great plenty of money in our cities, the incontestable evidence of which is, that it may be loaned for five per cent.

Money may be plenty in our cities, while it may be extremely scarce in the country, and the system lately pursued of importing goods to the amount of twenty or thirty millions of dollars a year, which we ought to manufacture for ourselves, is calculated to produce this effect; but the circumstance that money may be had at a low interest, does not prove that money is abundant, but that there is no demand for it. Who will expend money now in the pursuits of agriculture or manufactures? And, as to commerce, it is overdone; those in debt want money, but the circumstance of their being in debt deprives them of the means of purchasing or obtaining the money. People in the interior of the country cannot obtain money from our cities.

We are also informed that the unfavorable rate of exchange upon London is no indication of an unfavorable balance of trade. The gentleman from South Carolina (Mr. HAYNE) seems to think that he has discovered the whole mystery of the rate of exchange. He informs us that the currency of England is gold; of this country, silver;

that gold to silver there bears a higher ratio than here; that the present rate of exchange, (that is, nine per cent.,) is really exchange at par; that a bill on London here for 100 pounds, which would cost 109 pounds, would there be worth 100 pounds in gold, and 109 pounds in silver; that, in fact, if the currency of both countries was gold or silver, a bill on London for 100 pounds would now cost no more than 100 pounds here.

The value of gold, compared to silver, is, in this country, as one to fifteen—in England, as one to fifteen and two-tenths; but, if the gentleman is right, gold, in England, is to silver as one to sixteen and thirty-five hundredths; while, in France, as well as here, it is as to one to fifteen. The consequence would be, that silver would immediately leave England for France and the United States, and gold would flow into England till the equilibrium should be restored.

Until November, 1819, gold, and British gold, was the currency and legal tender in this country; yet the rate of exchange was more against us then than now. In February, 1816, the rate of exchange upon London was 15 per cent. against us; would a bill on London then for £100 purchase silver to the amount of £115? If so, it was not because gold was the currency there, and not here. Why is the rate of exchange with other countries, in which silver is the currency, about as much against us as that upon London?

Gold can be had here in exchange for silver at one per cent. advance; freight and insurance to England one per cent. more. It would be quickly sent there as an article of merchandise, if the gentleman is right. Doubloons are now advertised in Boston for sale. I shall relapse into what the gentleman may think my old errors, and believe that there has been, is, and will for a time continue to be, such a thing as a balance of trade against us; and that a rate of exchange of nine per cent. against us is an indication of this unfavorable balance of trade.

Mr. Eaton then moved to amend the bill, in the proviso respecting the minimum on cotton goods, so as to make the minimum of thirty-five cents per yard inapplicable to goods which cost fifteen cents, and less than that price, and to leave those goods subject only to the present existing minimum of twenty-five cents per yard.

This motion gave rise to some cursory remarks by Messrs. Eaton, Lloyd of Massachusetts, Hayne, Mills, Talbot, and Findlay.

Mr. Hayne moved to amend the amendment by extending it to goods which cost twenty cents. This was not agreed to.

The question was then put on Mr. Eaton's amendment, and decided in the negative.

Mr. Holmes, of Maine, then moved to amend the bill, by reducing the minimum upon which the duty on cotton cloth is to be calculated, from thirty-five cents to thirty cents per square yard. This amendment was agreed to, twenty-eight members voting in the affirmative; and so the minimum on cotton cloths was reduced to thirty cents.

The question was then put on Mr. Elliott's motion to strike out all the proviso relative to the minimum on cotton goods, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—24.

So the Senate refused to strike out the minimum on cotton cloths, and cotton twist, yarn, or thread.

Mr. Holmes, of Maine, then moved to amend the bill by striking out from it the following clause: "On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

Mr. Holmes spoke briefly in support of his amendment; as, also, did Mr. Lloyd, of Massachusetts. It was opposed by Messrs. Talbot and Findlay. The question upon the amendment was then put, and decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Seymour, Smith, Thomas, Van Dyke, Ware, and Williams—28.

Nays—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, McIlvaine, Noble, Palmer, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Van Buren—18.

So the proposed duty on foreign distilled spirits was stricken out.

Mr. Smith then moved to amend the bill, by striking out the clause which imposes duties on unmanufactured wool; and the Senate adjourned.

Thursday, May 6.

On motion by Mr. Smith, the Committee on Finance were discharged from the consideration of the bill, entitled "An act for the relief of the legal representatives of Fry and Spaulding;" and it was referred to the Committee on the Judiciary.

On motion by Mr. Lanman, Thomas Staniford had leave to withdraw his petition and papers.

Mr. Lloyd, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," reported it with amendments; which were read.

Mr. Smith, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of John S. Moffett," reported it with an amendment.

The bill from the House of Representatives, "for the relief of certain persons who imported goods into Castine, during the late war," and the bill "authorizing the issuing of a register to the schooner Five Sisters," were read twice, and referred to the Committee on Finance.

Mr. **BARBOUR** submitted the following motion for consideration:

Resolved, That —— thousand copies of the act, entitled "An act to amend the several acts for imposing duties on imports," which passed the House of Representatives, April 19, 1824, be printed; and the Secretary of the Treasury is hereby authorized and directed to cause them to be distributed, by directing a part thereof to be sent to every post office in the United States. And it shall be the duty of each postmaster receiving the same to place them in the hands of the people.

Resolved, That the Secretary of the Treasury make a report to the Senate, at the next session, as to the probable effect of this bill on the revenues of the country; on the shipping, manufacturing, commercial, and agricultural interests. That he report, in particular, on the state of the iron factories; and, as far as practicable, what has caused their failure, where they have failed; and their success, where they have succeeded; and what duty is necessary to bring them into successful competition with foreign iron. That he report, also, on the condition of the woollen, cotton, and coarse linen factories; how far their establishment has contributed to influence the price of their manufactures, the amount of the revenue, or the interests of the United States; what encouragement they need; if any, how it shall be applied. That he report, also, on the state of the culture of hemp, and why it is that it has not been used in the Navy of the United States. That he also report, if protection is to be given to particular industry, whether it would not be more politic to give bounties than to lay duties. That he also report such information as he may possess, as to evasions of the revenue laws by smugglers. And, finally, that he furnish, in his report, whatever information he may esteem pertinent to any and every part of the bill.

Mr. **BARBOUR** briefly explained his objects, in the introduction of these resolutions, and Messrs. **LLOYD** of Maryland, **TALBOT**, and **FINDLAY**, made a few cursory remarks in opposition to them. The resolutions were ordered to be printed.

THE TARIFF.

The bill from the other House, "to amend the several acts for imposing duties on imports," was again taken up for consideration in Committee of the Whole, Mr. **KING**, of Alabama, in the chair.

The question was upon amending the bill, in pursuance of the motion which Mr. **SMITH** submitted yesterday, to strike out the clause imposing a duty on unmanufactured wool.

Mr. **BARBOUR** moved that the bill be postponed to, and made the order of the day for, to-morrow. His reasons were, that some of the numerous private bills now before the Senate should be taken up, and that he might have the opportunity of explaining his views to-morrow, on the resolutions he had submitted this morning, which have relation to this subject. The motion was opposed by Messrs. **LLOYD** of Maryland and **TALBOT**. It was decided in the negative.

The question then recurred on Mr. **SMITH'S** motion to amend the bill by striking out the clause proposing to levy certain duties on unmanufactured wool. Mr. **SMITH** now varied his motion. The bill as it came from the other House, proposes an immediate duty of twenty per cent. ad valorem on unmanufactured wool; which duty is to be increased progressively, until the first day of June, 1830, after which time it is to remain at fifty per cent. ad valorem. Mr. S. proposed to strike out all that part of the clause which specifies the duties on this article, and to make it read as follows: "On wool unmanufactured, eight cents per pound."

Mr. **SMITH** addressed the Senate in support of this amendment. Messrs. **RUGGLES**, **HOLMES** of Maine, **CHANDLER**, **LLOYD** of Maryland, **TALBOT**, **JOHNSON** of Kentucky, **BROWN**, **D'WOLF**, and **DICKERSON**, severally spoke in opposition to the amendment. Messrs. **LLOYD** of Massachusetts and **MILLS** also opposed the motion to amend. They were against the imposition of the duty proposed by the bill on this article, but thought, if any duty was to be imposed, it ought to be an ad valorem duty; as the great difference in the price and quality of this article would render a specific duty very unequal in its operation.

Mr. **LLOYD**, of Massachusetts, stated that he considered the reasoning of the honorable gentleman from Ohio to be conclusive against a specific duty, which would impose the same rate of duty on wool which cost ten cents a pound with that which would cost one hundred. He observed that the legitimate object of the bill was to protect the manufactures of the country, and of these none were more worthy of the patronage of the Government than the manufacture of woollens, none incorporated itself more intimately with the Northern and Western agricultural interests of the Union, and he believed none was at present more depressed. One principal object of the bill was to encourage this manufacture, to enable it to enter into competition with the manufacturers of Great Britain; and to do this, we were imposing a heavy duty on the raw material at the time when Great Britain was taking it off. In England, the manufacture of woollen had been an object of great national attention; for a long time it had no duty, or only one of about three farthings a pound, probably to ascertain the quantity imported. This was the case until 1819, when the exports of woollen had amounted, for a course of years, from eight to ten million pounds sterling a year. On the imposition of this small duty the export declined, and in 1823, fell to five million five hundred thousand pounds sterling, and the Germans and the French interfered with them and got part of the export. This, he said, was the secret of the proposed repeal of the duty of six pence in England when we were putting it on. He would, therefore, advocate, in preference, striking out the duty, though he knew the agriculturists might be averse to it; and, if this were the case, he should reluct at it.

But some of them thought the duty would be injurious to the wool grower; and this he knew from a letter he submitted to the Senate from a very respectable and experienced gentleman, at present a farmer in Vermont, a large wool grower, and owner of sheep, and to whom the United States were principally indebted for the introduction of the invaluable race of merino sheep. He alluded to Wm. Jarvis, Esq., late United States Consul at Lisbon, and who was decidedly of opinion that the duty on imported wool would, by its reaction, prove its discouragement of manufactures, lessen the demand for the wool, and consequently, the price in the market, and injure, instead of benefiting, the wool-grower.

Mr. **Elliott** called for a division of the question, and the Chair declared the question to be first upon striking out the proposed duty on unmanufactured wool.

Mr. **Smith** then withdrew his motion to insert a specific duty of eight cents per pound, and the question then remained upon striking out.

Mr. **Mills** said he was perfectly willing to vote for a reasonable duty on the importation of wool, but not so high a duty as the highest progressive duties proposed in this bill. He therefore moved to amend the bill by striking out so much as proposes the prospective increase of the duty on wool, over twenty-five per centum ad valorem. The question was then put upon this amendment, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—21.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—26.

So the Senate refused to adopt the amendment proposing to limit the duty on wool to twenty-five per cent.

Mr. **Elliott** then withdrew his proposition to divide the question, which proposition would have made it necessary to put the question on striking out *all* of the proposed duty on wool.

Mr. **Mills** then moved to amend the bill by striking out so much as proposes the prospective increase of the duty over *thirty* per centum ad valorem. The question was put on this amendment, and decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—25.

Nays—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—22.

So the Senate agreed to limit the duty on unmanufactured wool, to thirty per cent. ad valorem; and the clause imposing duties on that article, stands thus, as amended:

"On wool unmanufactured, a duty of twenty per centum ad valorem, until the 1st of June, 1825; afterwards, a duty of twenty-five per centum ad valorem, until the 1st day of June, 1826; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

Mr. **Lloyd**, of Maryland, then moved to amend the bill, by striking out the following proviso:

"*Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

The question was then put on this amendment, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Jackson, Johnson of Kentucky, J. S. Johnston of Louisiana, Knight, Lloyd of Maryland, Lowrie, Macon, Parrott, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Williams—18.

Nays—Messrs. Barbour, Barton, Bell, Brown, Clayton, D'Wolf, Dickerson, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Mills, Noble, Palmer, Seymour, Smith, Van Buren Van Dyke, and Ware—29.

So the Senate refused to strike out the proviso.

Mr. **Smith** then moved to amend the bill, by inserting the following:

"On all articles of silk, or of which silk is a component part, manufactured in India, China, or any other country beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem."

This amendment gave rise to a short discussion, in which Messrs. **Smith**, **Lloyd** of Massachusetts, **Dickerson**, **Talbot**, **Lowrie**, and **Benton**, engaged.

Mr. **Dickerson** moved to amend the amendment, by striking out "twenty-five per centum," and inserting "thirty per centum." This was negatived.

The question was then put on Mr. **Smith**'s amendment, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Branch, Elliott, Gaillard, Hayne, Holmes of Miss., H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, Smith, and Williams—12.

Nays—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrot, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware—35.

So the Senate rejected the amendment proposing a duty of twenty-five per cent. on India silks.

Mr. KING, of New York, then moved that the bill be amended, by striking out all that part which provides for the highest progressive duty, of 37½ per centum ad valorem, "on all manufactures of wool, or of which wool shall be a component part." This motion produced considerable discussion, in which the mover, and Messrs, HAYNE, SMITH, DICKERSON, TALBOT, MILLS, LLOYD of Massachusetts, RUGGLES, and TAYLOR of Virginia, engaged. The question on this amendment was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Henry Johnson of Louisiana, Josiah S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—28.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Holmes of Maine, Johnson of Kentucky, Lanman, McIlvaine, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—18.

So the Senate agreed to strike out the highest rate of duty on woollen manufactured goods; this vote leaves these articles subject, by the provisions of the bill, to a duty of 30 per cent. ad valorem, until the 30th day of June, 1825; and, after that time, to a duty of 33⅓ per cent. ad valorem.

Mr. CHANDLER then moved to amend the bill, by excepting Russia, Holland, and Raven's duck, from the duty of 25 per centum ad valorem, imposed, by the bill, upon all manufactures of cotton, silk, flax, or hemp; and to subject those articles to certain specific duties.

Some remarks were made, upon this proposition, by the mover; and by Messrs. TALBOT, SMITH, MILLS, and HAYNE.

Mr. HAYNE observed, that he should vote against the motion, because he thought there were other articles of equal importance, which ought to be excepted, and which were, on principle, equally entitled to exemption. Mr. H. repeated, that he would give his support to a proposition to strike out the whole section, or to exempt from its operation all articles of prime necessity, in which any part of the country is deeply interested. But surely the gentleman from Maine could not expect to have the bill moulded so as to suit his own views, and the peculiar interests of his own State, while he refuses to consult the interests of others.

The question was then put, and the amendment was disagreed to, fifteen members voting in the affirmative, and thirty-one in the negative.

Mr. HAYNE then moved to amend the bill, in the following clause: "On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem," by striking out therefrom, the words "flax or hemp."

Mr. H. said, he made this motion to redeem a pledge which he had heretofore given. If it prevailed, duck, sheetings, and osnaburgs, would be equally protected; and articles of prime necessity, which we are not prepared to manufacture, will be exempted from an onerous tax; a tax which would produce great inconvenience to the people.

The question on Mr. HAYNE's amendment was then put, and determined in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware and Williams—22.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

So the Senate refused to exempt articles manufactured of flax or hemp, from the proposed duty.

Mr. MACON then moved to amend the bill, by striking out the following clause: "On cotton bagging, four and a half cents per square yard."

This motion gave rise to some discussion; in which Messrs. MACON, JOHNSON of Kentucky, HOLMES of Maine, TALBOT, SMITH, and BENTON, participated.

The question was then put, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnston of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—23.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—24.

So the Senate determined not to strike out the proposed duty of four and a half cents per square yard, on cotton bagging; and the Senate adjourned.

FRIDAY, May 7.

The PRESIDENT communicated a report from the Secretary of State, made in pursuance of the fifth section of the "Act regulating passenger ships and vessels;" which was read.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine; and the bill, entitled "An act for the relief of Benjamin Desobry;" reported them severally without amendment.

He also reported the bill entitled "An act for the relief of J. Ottramare," with an amendment; which was read.

Mr. **RUGGLES**, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Dean Weymouth," reported it without amendment.

Mr. **NOBLE** submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to lay before the Senate, on the first day of the next session of Congress, the names of all the pensioners on the pension list up to the 4th of September next, in consequence of wounds received in the Revolutionary war, under the several acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money, per annum, paid to the aforesaid pensioners; and, in like manner, the names of all the pensioners placed on the pension list up to the 4th of September next, in consideration of wounds received during the last war, by virtue of the several acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money per annum paid to the last described pensioners; designating the number and names of those who receive a full pension of eight dollars per month; also, the number that have applied for a pension to the Secretary of War, and the number rejected; also, the names of all the widows and children who receive half pay for five years, placed on the pension list up to the 4th of September next, by virtue of the acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money, per annum, paid to the said widows and children; and the whole amount of money paid to the said widows and children heretofore; the number that applied for a pension; and the number rejected. The names of the pensioners on the pension list, up to the 4th of September next, that have been placed thereon under the several acts of Congress providing for certain persons engaged in the land and naval service of the United States in the Revolutionary war; the amount paid to each per annum; the State to which each one belongs; and the amount of money paid, per annum, to the said pensioners; the number that applied for a pension, and the number rejected. That the Secretary of War be further directed to lay before the Senate the name of every other pensioner placed upon the pension list within his Department, by any special law, or any act of Congress, not above referred to; the amount paid to each per annum; and the State to which each one belongs.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act altering the times of holding the courts in the District of Columbia," with an amendment. They have passed a bill, entitled "An act further to regulate the inspection of flour in the county of Alexandria;" in which amendment and bill they request the concurrence of the Senate.

Mr. **KING**, of Alabama, called the attention of the Senate to the great number of private bills which had come from the other House, and which had been reported by committees of the Senate. He said a great many of the persons for whose relief these bills were drawn were waiting their result with great anxiety, and at great expense. He hoped the Senate would agree to lay the tariff bill on the table until to-morrow, and take up some of the bills respecting private claims. He, therefore, moved that the bill to which he had particularly alluded, together with the resolutions on the subject, submitted yesterday by an honorable member from Virginia, (Mr. **BARBOUR**,) be ordered to lie on the table.

Mr. **LOWRIE** called for a division of the question; and it was declared first to be upon laying Mr. **BARBOUR**'s resolutions on the table. This was agreed to.

The Senate then refused to lay the bill "to amend the several acts imposing duties on imports" on the table.

THE TARIFF.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was again taken up for consideration, as in Committee of the Whole.

Mr. **SMITH** moved to amend the bill, in the following clause: "On all manufactures of wool, or of which wool shall be a component part, a duty of 30 per centum ad valorem, until the 30th day of June, 1825; and, after that time, a duty of one-third per centum ad valorem," by inserting, after the word "part," the words "excepting worsted stuff goods."

Messrs. **SMITH** and **MILLS** supported this amendment. It was opposed by Messrs. **DICKERSON**, **D'WOLF**, and **LOWRIE**. The question was then put, and the amendment was rejected, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—20.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, King of New York, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—26.

So the Senate determined not to except worsted stuff goods from the proposed duty.

Mr. **BARBOUR** then moved to amend the bill, by extending the time at which its provisions are to take effect, from the 30th day of January next, to the 30th day of September next. This amendment was supported by the mover, and by Messrs. **LLOYD**, of Massachusetts, and **SMITH**; and opposed by Messrs. **RUGGLES**, **DICKERSON**, **D'WOLF**, **TALBOT**, **BROWN**, **BELL**, and **PARROTT**.

Mr. **HOLMES**, of Maine, called for a division of the question; and the question was declared to be on striking out the word "June." The question was then put and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

Nays—Messrs. Barton, Bell, Benton, Brown Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Parrott, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

So the Senate decided not to alter the time at which the operation of this bill is to commence.

Mr. King, of New York, then moved to amend the bill, in the following clause: "On all manufactures of wool, or of which wool shall be a component part, a duty of thirty per centum ad valorem, until the 30th day of June, 1825; and, after that time, a duty of thirty-three and one-third per centum," by inserting, after the word "part," the words "except worsted stuff goods, which shall pay twenty-five per centum ad valorem." This proposition gave rise to some debate, in which Messrs. Lowrie, D'Wolf, King, of New York, Mills, Knight, Edwards, and Findlay, engaged. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—27.

Nays—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—20.

So the Senate decided that "worsted stuff goods" should be subjected to a duty of twenty-five per cent. only.

Mr. Hayne then moved to amend the bill, by including "blankets," in the exception which had just been made in favor of worsted stuff goods, as liable only to a duty of twenty-five per centum ad valorem. This amendment was supported by the mover, and opposed by Mr. D'Wolf. The question was then put and decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren—23.

So the Senate determined that blankets should only be subject to a duty of twenty-five per centum ad valorem.

Mr. Holmes, of Maine, moved to amend the bill by inserting in it the following proviso:

"*Provided*, That all articles imported into the United States in any ship or vessel which shall have cleared from any foreign port or place before the passage of this act, shall be subject to the same duties as if this act had not passed."

Messrs. Holmes, Benton, and Dickerson, made a few remarks on this amendment. The question was then put and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—24.

So the Senate rejected the proviso proposed by Mr. Holmes.

Mr. Branch then moved to strike out the following line from the bill: "On frying-pans, four cents per pound." This amendment was supported by the mover and by Mr. Hayne. It was agreed to by the Senate, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—29.

Nays—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Thomas—18.

So the Senate determined that frying-pans should be exempted from the proposed duty.

Mr. Lloyd, of Massachusetts, then moved to amend the bill by striking out the following line: "On cocoa, three cents per pound." Some remarks were made on this subject by the mover, and by Messrs. D'Wolf and Dickerson. The amendment was carried without division; and thus the proposed duty on cocoa was stricken out.

Mr. Holmes, of Maine, then moved to amend the bill by inserting the following clause: "On Russia, Holland, and Raven's duck, osnaburgs, ticklenburgs, and burlaps, a duty of —— per centum ad valorem." Messrs. D'Wolf, Smith, Talbot, Lowrie, Lloyd of Massachusetts, Chandler, and Barbour, addressed the Senate upon this amendment. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Benton, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams—30.

NAYS—Messrs. Barton, Branch, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Taylor of Virginia—17.

Mr. JACKSON then moved to fill the blank in the amendment just adopted with "twenty," so as to make the duty twenty per cent. This was disagreed to, yeas 20, nays 27.

Mr. KING, of New York, then moved to fill the blank with "fifteen," so that the proposed duty should be fifteen per cent. This proposition was agreed to, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Smith, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams—31.

NAYS—Messrs. Benton, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Taylor of Indiana—16.

So the Senate decided that "Russia, Holland, and Raven's duck, osnaburgs, ticklenburgs, and burlaps," should be subject, according to the provisions of this bill, to a duty of fifteen per centum ad valorem.

Mr. LLOYD, of Maryland, then moved to amend the bill by inserting after the clause imposing duties on articles manufactured of wool, the following proviso:

Provided, That all articles manufactured of wool, or of which wool is a component part, the actual value of which, at the place where imported, does not exceed fifty cents per square yard, shall be subject to a duty of 25 per centum ad valorem, and no more."

On motion of Mr. MILLS, the amendment was amended by striking out "fifty cents," and inserting "thirty-three and one-third cents," as the value of the square yard.

Upon the amendment as amended, some remarks were made by Messrs. LLOYD of Maryland, DICKERSON, TALBOT, and MILLS. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, Williams—24.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Holmes of Maine, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—22.

So the Senate decided that woollen goods, the value of which does not exceed thirty-three and a third cents the square yard, shall not be subject to a higher duty than 25 per centum ad valorem.

Mr. KING, of New York, then moved to amend the bill by striking out the following clause: "On tallow, four cents per pound." Messrs. LLOYD of Massachusetts, and SMITH, submitted a few observations upon this amendment. It was agreed to without a division.

Mr. WILLIAMS then moved, as a consequence of the vote that had just passed, that the fifth section of the bill, which allows a drawback of the duties imposed by this act, on the exportation of tallow, be stricken out. This was also agreed to without a division.

Mr. SMITH moved to amend the bill, by inserting the following clause: "On copper, in plates or sheets, two cents per pound." Messrs. LLOYD, of Massachusetts, SMITH, D'WOLF, and DICKERSON, spoke upon the merits of this amendment. It was disagreed to by the Senate—yeas 12, nays 35, as follows:

YEAS—Messrs. Benton, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Lloyd of Maryland, Lowrie, Ruggles, Smith, Taylor of Indiana, and Taylor of Virginia.

NAYS—Messrs. Barbour, Barton, Bell, Branch, Brown, Chandler, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Seymour, Talbot, Thomas, Van Buren, Van Dyke, Ware, and Williams.

Mr. LLOYD, of Massachusetts, moved to amend the bill, by striking out the following clause: "On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof." Messrs. LLOYD, DICKERSON, PARROTT, HOLMES, of Maine, SMITH, of Maryland, D'WOLF, and MILLS, discussed the propriety of this amendment. Mr. HOLMES moved to amend the clause, by striking out three cents, and inserting two cents, as the duty on iron cables. Mr. SMITH called for a division of the question. The question was then put, on striking out three cents; and decided in the negative—23 in the affirmative, 24 in the negative. The question was then put, on Mr. LLOYD's motion, to strike out the whole clause, and determined in the negative—21 in the affirmative, 26 in the negative, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, and Thomas.

Mr. HOLMES, of Maine, then moved that the bill be amended, by inserting the following line: "On oats, ten cents per bushel." This was agreed to, twenty-seven members voting in the affirmative.

Mr. King, of New York, then moved to amend the bill by striking out the following clause: "On flax, three cents per pound." This amendment was agreed to without division.

Mr. Smith proposed to amend the bill by inserting a specific duty on prunella shoes, laced boots, &c. This was agreed to, twenty-six in the affirmative.

Mr. Branch then moved to amend the bill by striking out the following line: "On pepper, ten cents per pound." This was agreed to without division.

Mr. King, of New York, moved to amend the bill by striking out the following clause: "On coal, six cents per heaped bushel." This proposition gave rise to some debate between the mover, and Messrs. Barbour, Lloyd, of Massachusetts, and D'Wolf. It was not agreed to.

Mr. King, of New York, also moved to strike out the following clause: "On glass beads, fifty cents per pound;" which was agreed to without division.

Mr. Hayne then moved to amend the bill by striking out from the following clause: "On anvils and anchors, two cents per pound," the words *two cents per pound*, in order to insert, in lieu of the specific duty, an ad valorem duty. Remarks were made upon this motion by Messrs. Hayne, Dickerson, and Mills. The amendment was not agreed to.

A motion was then made for adjournment, which was decided in the affirmative, by the casting vote of the Chair; and the Senate adjourned till tomorrow.

SATURDAY, May 8.

The President communicated a letter from the Postmaster General, transmitting a list of the contracts made by that department during the past year; which was read.

Mr. Lloyd, of Massachusetts, from the Committee on Naval Affairs, to whom were referred the bill, entitled "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;" and the bill, entitled "An act for the relief of Joseph Smith, of Alexandria;" reported them severally without amendment.

Mr. Lloyd, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Josiah Watson and Jane Watson, praying relief from the Government, in consequence of the dependent and helpless situation to which they have been reduced, by the death of their son, while in the service of his country, submitted a report: The committee state, that the petitioners are the parents, in very advanced life, of the late William Henry Watson, an officer of the United States Navy, of great promise; who, after having, in a very gallant manner, inflicted on the pirates of the Gulf of Mexico, and the coasts of Cuba, a merited and severe punishment, fell a victim, while on duty, to the epidemic prevailing on board the ship of war John Adams, at Thompson's Island, in the autumn of the last year; that the petitioners are not only very aged, but are in narrow circumstances; and were dependent upon their deceased and lamented son, for the principal part of their support; and that their case presents a strong claim upon the sympathy, if not upon the justice, of the Government. But the sense of Congress, on the inexpediency of extending pension allowances, or pecuniary grants, to cases of this description, having been too distinctly, and repeatedly, expressed, to be misunderstood, the committee ask to be discharged from the further consideration of the subject; and recommend that the petitioners have leave to withdraw their petition, and the papers accompanying the same.

The report was read and concurred in by the Senate.

Mr. Lloyd of Massachusetts, from the same committee, to whom was referred two resolutions of the Senate, the one respecting the establishment of a navy yard for small vessels at Charleston, South Carolina, and the other respecting the expediency of establishing a naval depot at Pensacola, reported a bill "to authorize the further examination and surveys of the harbor of Charleston, and coast of Florida," together with sundry documents relating to the subject. The bill was read twice.

Mr. Smith, from the Committee on Finance, to whom was referred the bill entitled "An act to authorize the issuing of a register for the schooner Five Sisters," reported it without amendment.

Mr. H. Johnson presented the petition of W. W. Montgomery, and others, of the city of New Orleans, praying the sale of certain lots in said city, for the purpose of building an exchange; which was read, and referred to the Committee on Public Lands.

Mr. Ruggles, from the Committee of Claims, to whom were referred the bill entitled "An act to amend an act supplemental to an act entitled 'An act to carry into effect the ninth article of a treaty concluded between the United States and Spain, the 22d day of February, 1819,' approved the third of March, 1823;" and the bill entitled "An act for the relief of Robert Blean;" reported them severally without amendment.

Mr. J. S. Johnston presented the petition of James Fort Muse, of Louisiana, praying a grant of land for the purpose of erecting mills thereon; which was read, and referred to the Committee on Public Lands.

The bill yesterday brought up for concurrence was read twice, by unanimous consent, and referred to the Committee on the District of Columbia.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act altering the times of holding the courts in the District of Columbia;" and concurred therein.

The Senate proceeded to consider the motion of the 6th instant, to print a number of copies of the tariff bill, to be distributed among the people of the United States; and, on motion, it was laid on the table.

The Senate proceeded to consider the motion of yesterday, requesting the Secretary of War to lay before the Senate a list of the names and annual pay of all the public pensioners; and, on motion, it was laid on the table.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissioners under the treaty with Spain, of the 22d of February, 1819;" in which they request the concurrence of the Senate.

THE TARIFF.

The unfinished business of yesterday, being the further consideration of the bill from the other House, "to amend the several acts for imposing duties on imports," was resumed, in Committee of the Whole; Mr. Eaton was called to the chair.

Mr. Lloyd, of Massachusetts, moved to amend the bill, by striking out the following line: "On Chinese cassia, ten cents per pound." The amendment was carried.

Mr. Lloyd, of Massachusetts, then moved to amend the bill, by inserting the following line: "on ginger, two cents per pound." Mr. L. stated the reasons which induced him to propose this amendment. It was carried.

Mr. Lloyd, of Massachusetts, moved further to amend the bill, by striking out from the following clause: "On printing, copper plate, and stainer's paper, ten cents per pound," the words "copper plate." Mr. Lloyd stated that his object was to relieve an establishment for making charts, belonging to a celebrated nautical gentleman (Mr. Blunt, of New York,) from a very onerous, oppressive, and unnecessary tax, which the proposed duty on copper plate paper would impose upon him. Messrs. Lanman, Lowrie, Dickerson, and Findlay, opposed this amendment. Mr. Hayne read some statements, to show the oppressive operation of the duties imposed by this bill, upon paper generally. The question was then put, and the amendment was not agreed to.

Mr. Hayne then moved to amend the bill, by striking out from the following clause: "On folio and quarto post paper, of all kinds, twenty cents per pound," the word "twenty," and insert, in lieu of it, the word *fifteen*. This motion was supported by the mover and by Mr. Smith, and opposed by Mr. Dickerson. The amendment was not agreed to.

Mr. Branch moved to amend the bill, by striking out the following lines:

> "On cutting knives, twenty-five cents each;
> On scythes, twenty cents each;
> On sickles and reaping hooks, twelve cents each;
> On spades and shovels, of iron or steel, twenty cents each."

This amendment was supported by the mover, by Messrs. Smith, Lloyd, of Mass., Hayne, Holmes, of Maine, Lloyd, of Maryland, Taylor, of Virginia, Mills, and Barbour; and opposed by Messrs. Lowrie, Dickerson, Findlay, Brown, D'Wolf, and Lanman. This discussion involved the general propriety and expediency of levying specific duties on articles which vary much in quality and in cost.

Mr. Branch consented to vary his motion, so as to strike out the specific duties proposed on these articles, and insert, in lieu thereof, a duty of thirty per centum ad valorem. The question was put upon the motion, as modified; and it was decided in the affirmative—yeas 31, nays 16, as follows:

Yeas—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Parrott, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

Nays—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Knight, Lanman, Lowrie, Noble, Palmer, Ruggles, Seymour, and Thomas.

Mr. Lloyd, of Massachusetts, moved to strike out the words in the first section, "On screws of iron, weighing twenty-five pounds, or upwards, eight cents per pound; on screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;" and insert, "On screws of iron, weighing twenty-five pounds, or upwards, thirty per centum ad valorem; on screws of iron, for wood, called wood screws, thirty per centum ad valorem." It was determined in the affirmative—yeas 26, nays 21, as follows:

Yeas—Messrs. Barbour, Benton, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

Nays—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas and Van Buren.

So the Senate decided that an ad valorem duty of thirty per centum should be imposed by the bill, on these articles, instead of the specific duty in the bill, as it came from the other House.

Mr. Lloyd, of Massachusetts, then moved to amend the bill, by striking out the specific duty, of ten cents per pound, "on all vessels of copper," and inserting a duty of thirty-five per cent. ad valorem. This motion was negatived by the casting vote of the Chair.

On motion of Mr. Lloyd, of Massachusetts, the proposed duty on black lead pencils, was changed from a specific duty of one dollar and fifty cents per groce, to an ad valorem duty of forty per cent.

Mr. Lowrie then moved to amend the following clause of the bill: "On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum," by raising the duty on the pound, from three to six cents. Mr. LOWRIE explained the reasons of his motion, and Messrs. LLOYD, of Massachusetts, SMITH, TALBOT, and HAYNE, made some remarks upon it. The question on the amendment was then put, and decided in the negative—17 to 26.

On motion of Mr. LLOYD, of Massachusetts, the duty on "Venetian carpeting" was reduced from fifty cents to twenty-five cents per square yard.

Mr. DICKERSON moved to amend the bill so as to raise the duty on all books printed in the Greek and Latin languages from four cents per volume to eighteen and an half cents per pound, when bound; and sixteen and an half cents per pound when in sheets or boards. Upon this proposition remarks were made by the mover, and by Messrs. BARBOUR, SMITH, HOLMES, of Maine, MILLS, LLOYD, of Massachusetts, EDWARDS, LOWRIE, and HAYNE.

Mr. HAYNE moved to amend the amendment by striking out the amount of duty per pound, with a view to insert an ad valorem duty. This was not agreed to.

The question was then put upon Mr. DICKERSON's amendment, and decided in the negative—yeas 22, nays 25.

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor, of Indiana, and Thomas.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

Mr. HAYNE then moved to amend the bill by stiking out the duty of thirty-seven and-a-half cents per pound on books, when bound; and thirty-three cents per pound on books, when in boards or sheets, and to insert a duty "of —— per centum *ad valorem*" in lieu thereof. Mr. H. stated that his object in making this motion was, in the first place, to get rid of this singular duty on books by the pound, and, in the second place, to substitute a very moderate duty (one not exceeding the present duty of fifteen per cent.) in lieu of the proposed duty, which he considered as equal to forty per cent. at least. Mr. H. contended that the duty on books ought to be such as to encourage the importation of foreign works, and that, with respect to books in general use, it is well known that the American bookseller could not only enter into competition with books printed abroad, but had almost excluded them from the market. But there was a class of books of science, not generally read, though very important to professional and scientific men, which were not generally republished in this country. No obstacle should be interposed to prevent the introduction of such books. Mr. H. considered books as a raw material, essential to the formation of the mind, the morals, and the character of the people; and which should be introduced free of duty. Mr. H. also strongly objected to the duty on books by the pound. The value of a book, he thought, did not depend on its weight. He compared this method of estimating books to that mentioned in Knickerbocker's History of New York, where the Dutch Governor settled mercantile transactions by weighing the merchants' books of account in scales.

This amendment was also supported by Mr. MILLS, and opposed by Mr. DICKERSON. The question upon adopting it was then put, and carried in the affirmative—yeas 25, nays 22, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

NAYS—Messrs. Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Parrott, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

Mr. DICKERSON moved to fill the blank in the amendment which had just been adopted, with "twenty," so as to make the duty twenty per centum *ad valorem*. This was not agreed to.

Mr. SEYMOUR then moved to fill the blank with "twenty-five," so as to make the duty twenty-five per centum *ad valorem*. This was carried—yeas 24, nays 23, as follows:

YEAS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

NAYS—Messrs. Barbour, Benton, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

So the duty on all books was fixed, in the bill, at twenty-five per centum *ad valorem*.

Mr. SMITH moved to amend the bill by excepting "cambrics and lawns made of flax," from the duty of twenty-five per cent. imposed, by the bill, upon all manufactures of cotton, silk, flax, or hemp. Mr. S. communicated to the Senate some statements in support of his motion. The amendment was not agreed to.

Mr. LLOYD, of Massachusetts, moved to amend the bill so as to except "laces made of flax or cotton," from the duty proposed in the bill. This was not agreed to.

On motion of Mr. BARBOUR, the bill was laid upon the table; and the Senate proceeded to the consideration of Executive business; and, immediately after the doors were opened, adjourned till Monday.

MONDAY, May 10.

The following Message was received, on the 8th instant, from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I communicate, herewith, to the Senate, a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ult.

JAMES MONROE.

WASHINGTON, *May* 7, 1824.

The Message and report were read, and ordered to be printed for the use of the Senate.

The PRESIDENT communicated a report of the Secretary of the Navy, on the petition of John S. Stiles, executor of George Stiles; which was read.

Mr. MCILVAINE, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Samuel Cleveland, jr.," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Peter Yandes;" and the bill, entitled "An act for the relief of J. M. C. Montgomery;" reported them, severally, without amendment.

The bill from the other House "to authorize the creation of stock, not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain," was twice read, and referred to the Committee on Finance.

On motion by Mr. NOBLE, the Senate resumed the motion of the 7th instant, requiring the Secretary of War to lay before the Senate the names and annual pay of all public pensioners, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia, and for other purposes;" and a bill, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio;" in which they request the concurrence of the Senate.

The Senate resumed the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was laid on the table.

The Senate resumed the bill further to amend the judicial system of the United States, and provide for holding the circuit courts; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing an examination of the harbor of Charleston, in South Carolina and of the coast of Florida; and, on motion, it was postponed till to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to establish a Surveyor General's office in the Territory of Arkansas; and, on motion, it was postponed to Thursday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington," passed the 15th of May, 1820; and, on motion by Mr. EATON, it was recommitted to the Committee on the District of Columbia.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place belonging to the United States; and, on motion, it was ordered that it be postponed to Wednesday next.

The bill "in addition to an act establishing navy hospitals" was taken up for consideration in Committee of the Whole. Mr. LLOYD, of Massachusetts, explained the objects of the bill. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

The resolution reported by the Committee on the Judiciary, authorizing the purchase of six hundred and fifty copies of Way & Gideon's edition of the Journals of the Old Congress, from 1774 to 1788, for the use of Congress, was taken up for consideration in Committee of the Whole. Mr. JOHNSON of Kentucky spoke in favor of, and Mr. DICKERSON opposed it. Mr. LOWRIE moved to amend the resolution by striking out *six hundred and fifty*, and inserting *three hundred.* Mr. TAYLOR, of Virginia, advocated the passage of the resolution. The amendment was agreed to. Some remarks were made upon the resolution as to the quality of this edition and the distribution of the copies by Messrs. KING of New York, VAN BUREN, ELLIOTT, SMITH, EATON, HOLMES of Me., HAYNE, and LANMAN. The resolution was then reported to the Senate as amended, and passed to be engrossed and read the third time.

The bill "relative to the Patent Office, and to the salary of the Superintendent thereof," was next taken up, in Committee of the Whole. This bill provides that the Patent Office shall remain, as now, attached to the Department of State, and that the Superintendent shall receive a salary of two thousand dollars per annum, as a compensation for his services. The passage of the bill was advocated by Messrs. JOHNSON of Kentucky, TALBOT, and SMITH; and opposed by Messrs. LOWRIE, CHANDLER, and TAYLOR of Virginia. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The bill from the House of Representatives "providing for the appointment of an Indian agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes," was then taken up for consideration, in Committee of the Whole. Mr. BENTON explained the objects of the bill. It was then reported to the Senate without amendment, and passed to a third reading.

The bill "to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts, supposed to contain valuable mines of copper," was then taken up, in Committee of the Whole. Mr. King, of New York, made some remarks on the subject, and concluded by moving the indefinite postponement of the bill. Mr. Benton replied briefly to Mr. King, and moved that the bill be ordered to lie on the table. The latter course was agreed to.

ALEXANDER McNAIR.

The bill reported by the Committee on Claims in the Senate, "for the relief of Alexander McNair," was next taken up, in Committee of the Whole. Mr. Ruggles stated the nature of this claim. It was for property destroyed, in consequence of its being occupied by the United States troops; for services performed for the Government; and for interest paid on moneys borrowed for the service of the Government. Mr. Chandler moved to strike out the second section of the bill, which provides payment for the services rendered by Gov. McNair, and for interest. Messrs. Johnson of Kentucky, Lanman, and Benton, opposed the motion to strike out. The question on striking out the second section was decided in the negative—yeas 5, nays 33, as follows:

Yeas—Messrs. Chandler, Clayton, Macon, Palmer, and Taylor of Virginia.

Nays—Messrs. Barbour, Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Ruggles, Seymour, Smith, Talbot, Thomas, Van Dyke, and Williams.

The bill was then reported to the Senate, and passed to be engrossed and read the third time.

THE TARIFF.

On motion of Mr. Lowrie, the bill from the House of Representatives, "to amend the several acts imposing duties on imports," was again taken up for consideration, as in Committee of the Whole, Mr. King, of Alabama, in the Chair.

Mr. Dickerson moved to amend the bill, by striking out the fourth section, which provides for the allowance of the drawback on "plain silk and 'nankeen cloths, imported in American vessels 'from beyond the Cape of Good Hope, although 'the said cloths, before the exportation thereof, 'shall have been colored, printed, stained, dyed, 'stamped, or painted, in the United States."

This amendment was opposed by Messrs. King, of New York, Lloyd, of Massachusetts, D'Wolf, and Smith, and supported by the mover and Mr. Findlay.

Mr. Holmes, of Maine, made some remarks in relation to the distinction made between the silks from beyond the Cape of Good Hope, and those of France, to which Mr. Lloyd replied.

Mr. Smith moved to amend this section by making it include all plain silks. This was not agreed to.

Mr. Lowrie moved to amend the bill by striking out the words, "and nankeen cloths imported in American vessels from beyond the Cape of Good Hope." This amendment was adopted, and the section now reads:

"That the drawback allowed by law on plain silk shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States," &c.

This section, as amended, was advocated by Messrs. Lowrie and D'Wolf, and opposed by Mr. Dickerson.

The question on striking out the whole section was then put, and carried in the affirmative—yeas 26, nays 21, as follows:

Yeas—Messrs. Barton, Bell, Benton, Branch, Brown, Chandler, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Josiah S. Johnston, King of Alabama, Lloyd of Maryland, Noble, Palmer, Parrott, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, Ware and Williams.

Nays—Messrs. Barbour, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Henry Johnson, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Seymour, Smith, Thomas, Van Buren, and Van Dyke.

So the section, providing for the allowance of drawback on the exportation of silks and nankeens, when colored, printed, stained, dyed, stamped, or painted, in this country, was stricken out.

Mr. Holmes, of Maine, moved to amend the bill, by inserting the following:

"On all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of —— per centum ad valorem.

On all other manufactures of silk or of which silk shall be a component material, a duty of —— per centum ad valorem."

Mr. Holmes stated that his object in moving this amendment was to ascertain whether the Senate was willing to make a discrimination between the silks of France, and those of India. The former country, he said, took a considerable amount of articles of the production of this country; and he thought we ought to discriminate in favor of her silks.

Messrs. Talbot, King of New York, Lloyd of Massachusetts, Hayne, and Smith, made some remarks upon the proposed amendment.

Mr. Talbot moved to fill the blank in the first amendment with "thirty," so as to make the duty on India silks *thirty* per cent. This was supported by Mr. Talbot, and opposed by Mr. Lloyd of Massachusetts. It was not agreed to.

The first blank was then filled with "twenty-five;" and the second with "twenty."

The question was then upon adopting the amendment with the blanks thus filled. Mr Lowrie opposed, and Mr. Holmes, of Maine, supported it. The amendment was agreed to, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Brown, Chandler, Clayton, Dickerson, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, McIlvaine, Macon, Ruggles, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Dyke, Ware, and Williams—29.

NAYS—Messrs. Barton, Bell, D'Wolf, Eaton, Edwards, Findlay, Jackson, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Noble, Palmer, Parrott, Seymour, and Van Buren—18.

So the Senate agreed to insert a discriminating duty of five per cent. between the silks of France and those of India, in favor of the former. The effect of this amendment is, to reduce the duty on all other silks, except those of India, five per cent. lower than proposed by the bill as it came from the House of Representatives.

Mr. SMITH moved to amend the bill, by inserting the following clause: "On morocco skins, thirty per centum ad valorem." This amendment was not agreed to.

Mr. TAYLOR, of Virginia, then moved to amend the bill, by striking out the following lines:

"On wheat, twenty-five cents per bushel;
On wheat-flour, fifty cents per hundred weight;
On potatoes, ten cents per bushel."

This proposition to amend was discussed by the mover, and by Messrs. BARBOUR, JOHNSON of Kentucky, DICKERSON, SMITH, D'WOLF, LLOYD of Maryland, and FINDLAY.

Mr. SMITH called for a division of the question; he wished to have the question on striking out the duty on potatoes, taken separately.

The question was then put upon striking out the proposed duties on "wheat and wheat-flour." It was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Elliot, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Ware, and Williams—19.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren, and Van Dyke—28.

So the Senate refused to strike out the proposed duty on wheat and wheat-flour.

The question was then upon striking out the proposed duty of ten cents per bushel upon potatoes. Mr. TAYLOR, of Virginia, submitted this amendment, and Mr. D'WOLF opposed it. It was rejected, yeas 15, nays 32, as follows:

YEAS—Messrs. Barbour, Branch, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Macon, Taylor of Virginia, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith Talbot, Taylor of Indiana, Thomas, Van Buren, and Van Dyke.

Mr. EATON then moved to amend the bill by inserting the following:

"On cotton, picked or ginned, six cents per pound;
On cotton, not picked or ginned, one and a half cents per pound."

This amendment was opposed by Messrs. HAYNE, BRANCH, ELLIOTT, and JOHNSON of Kentucky, and supported by the mover, and by Messrs. BROWN, D'WOLF, and SMITH. It was subsequently withdrawn by the mover.

The bill, with the several amendments, was then reported from the Committee of the Whole, to the Senate. On motion of Mr. LLOYD of Massachusetts, the bill was ordered to lie on the table, and the amendments to be printed for the use of the Senate.

The Senate then adjourned.

TUESDAY, May 11.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act further to regulate the inspection of flour in the county of Alexandria," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of John Topp," reported it without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill entitled "An act for the relief of John K. Carter;" the bill entitled "An act for the relief of the legal representatives of Fry and Spalding;" the bill entitled "An act for the relief of Hugh M'Culloch;" the bill entitled "An act for the relief of Mary H. Hawkins;" the bill entitled "An act for the relief of the assignees and legal representatives of John H. Piatt;" and the bill entitled "An act for the relief of Morris Goldsmith and Anthony Roderick;" reported them, severally, without amendment.

The two bills, yesterday brought up from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill entitled "An act to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes," was referred to the Committee on the District of Columbia.

The bill entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," was referred to the Committee on Public Lands to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to improve the navigation of the Ohio and Mississippi rivers;" in which they request the concurrence of the Senate.

THE TARIFF.

On motion of Mr. Lowrie, the bill from the House of Representatives "to amend the several acts for imposing duties on imports," was taken up for consideration in Senate.

The question was put, separately, upon concurring in the several amendments made in Committee of the Whole, in the following order:

To insert—"On Russia, Holland, and Raven's duck, osnaburgs, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem." This was concurred in without division.

To except "worsted stuff goods and blankets," from the duty of thirty per centum imposed on other manufactures of wool; and subject the same to a duty of twenty-five per cent. only. Mr. Ruggles moved to strike out the word "blankets" from this exception, and supported his motion by some remarks on the subject. This motion was opposed by Messrs. Hayne, Elliott, Smith, and Taylor, of Virginia, and supported by Messrs. Talbot and Dickerson. The motion was lost—yeas 23, nays 24, as follows:

Yeas—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

Nays—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

The exception, as made in Committee of the Whole, was then concurred in.

To strike out the highest progressive duty from the section imposing duties on manufactures of wool, which provides that, after the 30th day of June, 1826, those manufactures shall be subject to a duty of thirty-seven and a half per centum ad valorem. This was agreed to, without division. The highest duty proposed by the bill on woollen manufactures, is thus left at thirty-three and one-third per centum ad valorem.

To insert the following proviso to the section imposing duties on manufactures of wool: "*Provided*, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem. This was agreed to.

To insert in the section proposing to levy a duty of twenty-five per cent. on all manufactures of cotton, silk, flax, or hemp, a clause subjecting all manufactures of silk, coming from beyond the Cape of Good Hope, to a duty of twenty-five per cent., and all other manufactures of silk, to a duty of twenty per cent. Mr. Lloyd, of Massachusetts, moved to amend this clause so as to leave all silks subject to a duty of twenty per cent. only. This amendment was supported by the mover, and Mr. Parrott, and opposed by Messrs. Holmes, of Maine, Talbot, Dickerson, and Lowrie. This amendment was disagreed to—yeas 8, nays 38, as follows:

Yeas—Messrs. Branch, Clayton, Hayne, King of New York, Lloyd of Massachusetts, Macon, Mills, and Parrott.

Nays—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Dyke, Ware, and Williams.

The question then was upon agreeing to the insertion of the clause, as agreed to in Committee of the Whole, which makes a discrimination of five per cent. against silks from beyond the Cape of Good Hope. This amendment was concurred in.

To reduce the minimum upon which the duties on cotton cloths are to be calculated, from thirty-five to thirty cents per square yard. This was concurred in, without division.

To insert the following proviso: "*Provided*, also, that the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of November next ensuing."

Mr. Lloyd, of Massachusetts, moved to amend the proviso by striking out the words "before the first of November next ensuing," and inserting the following; "in American vessels which cleared out from the United States before the 1st of March, 1824, and shall arrive in the United States prior to the first of December next." Mr. Lloyd explained the objects of his amendment; and some remarks were made upon the subject by Messrs. Lowrie, Holmes of Maine, Smith, Mills, D'Wolf, King of New York, and Eaton. Mr. Holmes, of Maine, moved that the word "November" only, be stricken out from the proviso. This was agreed to, and Mr. Lloyd withdrew his amendment. Mr. King, of New York, then moved that the blank, caused by striking out "November," be filled with "January." Messrs. Taylor, of Virginia, and Chandler, submitted some observations in regard to the proposed extension of time. The amendment was carried—yeas 24, nays 22; and the proviso, as amended, was concurred in—yeas 24, nays 22. So the Senate decided that this act shall be inapplicable to importations of goods from ports eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of January next ensuing.

To strike out, from the section imposing duties on unmanufactured wool, that part which provides for the progressive duty on that article, over thirty per centum ad valorem. The bill, as it came from the other House, provides for an immediate duty, on unmanufactured wool of 20 per centum ad valorem; and a progressive duty until June 1, 1830; after which, it was to remain at 50 per cent. The Senate, in Committee of the Whole, limited the progressive duty to thirty per cent. ad valorem. The amendment was concurred in.

To reduce the duty on Venetian carpeting from fifty cents to twenty-five cents per square yard. This was concurred in.

To strike out the following clause: "On hemp, two cents per pound." This amendment was divided, and the question was taken on striking out "two cents per pound." This was agreed to by yeas and nays, as follows:

Yeas—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Seymour, Smith, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams—30.

Nays—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Lanman, McIlvaine, Noble, Palmer, Ruggles, Talbot, and Taylor of Indiana—16.

Mr. Talbot moved to fill the blank with "thirty-seven dollars per ton," so as to make the clause read, "On hemp, thirty-seven dollars per ton." This amendment was supported by the mover, and by Messrs. Eaton and Johnson of Kentucky, and opposed by Messrs. Holmes of Maine, Lloyd of Massachusetts, Mills, and Barbour.

Mr. Lloyd, of Maryland, moved to fill the blank with "forty-five dollars per ton." This was supported by the mover, and opposed by Mr. Noble.

Mr. Noble said he would state to the Senate the reasons of the vote which he was about to give; as it would appear, without explanation of the vote, that he refused to give protection to the growers of hemp in the United States, and more especially in the Western country—the country in which he resided. He had voted to retain in the bill, as it came from the House of Representatives, the two cents per pound on hemp, equal to forty-four dollars and eighty cents per ton; but the Senate rejected it. In relation to every article in the bill, the Senate, from the first discussion of it, had been nearly equally divided; and, although amendment after amendment had been made to the bill, he had no hesitation in saying that some of those who offered the amendments intended to vote against the entire bill on the final passage. He had set out from the commencement to afford every protection to the manufacturer, and, in doing so, he paid due regard to the different sections of the country, and found compromise of opinion necessary for the purpose of securing the final passage of the bill. He well knew that, if the protection given to the growers of hemp, or duties laid on foreign hemp, exceeded thirty-five dollars per ton, which was an increase of five dollars on the ton, the bill would be jeopardized, and finally lost. He would, therefore, vote against the duties proposed by the gentleman from Kentucky, as well as the gentleman from Maryland, and would vote for the duty of thirty-five dollars per ton, as proposed by the gentleman from Maine. If he could not afford protection to every class, he would to a part, rather than to give it to none.

The motion made by Mr. Lloyd, of Maryland, was then rejected—yeas 6, nays 40, as follows:

Yeas—Messrs. Branch, Johnson of Kentucky, Lloyd of Maryland, Talbot, Taylor of Indiana, and Taylor of Virginia..

Nays—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams.

The question then recurred on Mr. Talbot's motion to fill the blank with "thirty-seven dollars per ton." This was decided in the negative—yeas 19, nays 27, as follows:

Yeas—Messrs. Barton, Benton, Branch, Brown, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Lanman, Lloyd of Maryland, McIlvaine, Ruggles, Talbot, Taylor of Indiana, and Taylor of Virginia.

Nays—Messrs. Barbour, Bell, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, Lowrie, Macon, Mills, Noble, Palmer, Parrott, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams.

Mr. Chandler then moved to fill the blank with the words "thirty-five dollars per ton." The question on this motion was determined in the affirmative—yeas 28, nays 19, as follows:

Yeas—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

Nays—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

The Senate then refused to concur with the Committee of the Whole, in striking out the duty on hemp; and it now remains in the bill at thirty-five dollars per ton.

To strike out the following clause: "On flax, three cents per pound." This was concurred in, without division.

To strike out from the following clause, the italicized words: On "cotton bagging, four-and-a half cents per square yard, *until the 30th day of June, 1825; and afterwards, a duty of five-and-a-half cents per square yard.*" This was concurred in, without a division.

To strike out the following clause, "On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds." This was not concurred in. The yeas and nays were as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—21.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—26.

So the Senate disagreed to the amendment by which the duty on iron was stricken out.

To strike out the specific duties on "cutting knives, scythes, sickles, and reaping hooks, spades, and shovels, of iron and steel, and iron screws;" and insert, in lieu of these duties, an ad valorem duty of thirty per centum. Concurred in, without division.

To strike out the following line, "on frying pans, four cents per pound;" concurred in, without division.

To strike out the specific duties on "quills," and on "slates and tiles, for building," and insert in lieu thereof, a duty of twenty-five per centum ad valorem. Agreed to without division.

To strike out the specific duty on "black lead pencils;" and insert in its stead a duty of forty per centum ad valorem. This was concurred in without a division.

To strike out the following line: "on tallow, four cents per pound." Mr. MILLS moved to amend this line, by striking out "four" and inserting "two." This was supported by the mover, and opposed by Messrs. DICKERSON and RUGGLES. The amendment was not agreed to; and the line was stricken out, in concurrence with the Committee of the Whole.

To insert the following lines: "on oats, ten cents per bushel; on prunella and other shoes, or slippers of stuff or nankeen, twenty-five cents per pair; on laced boots or bootees, one dollar and fifty cents per pair." These insertions were severally concurred in without division.

To strike out the following lines: "on pepper, ten cents per pound; on Chinese cassia, ten cents per pound; on cocoa, three cents per pound." This was concurred in.

To insert the following: "on ginger, two cents per pound." This was concurred in.

To strike out the following line: "on all other raisins, [except Muscatel raisins, and raisins in jars and boxes,] three cents per pound." This amendment was not concurred in.

To strike out the following lines: "on filberts, three cents per pound; on pine apples, two cents each; on oranges, fifty cents per hundred; on lemons, twenty-five cents per hundred; on limes, ten cents per hundred; on glass beads, fifty cents per pound." These amendments were severally concurred in.

To strike out the duty of thirty-seven cents per pound on books, when bound; and thirty-three cents per pound when in sheets or boards; and insert, in lieu thereof, a duty of twenty-five per centum ad valorem. This was not concurred in. The clause was amended, on motion of Mr. DICKERSON, so as to levy a duty of thirty cents per pound on books, when bound; and twenty-six cents per pound, when in sheets or boards. In this form, the duty was retained in the bill.

To insert the following exception: "with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted, free of duty, until June 30th, 1826." This was concurred in, without division.

To strike out the following clause, "on all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto." This amendment was agreed to, by yeas and nays, as follows:

Yeas—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Palmer, Parrott, Seymour, Smith, Thomas, Van Dyke, Ware, and Williams—30.

Nays—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, McIlvaine, Noble, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Van Buren—17.

So the Senate agreed, in concurrence with the Committee of the Whole, to strike out the proposed duty on foreign distilled spirits.

To strike out the fourth section of the bill, which provides for the allowance of the drawback allowed by law on plain silk and nankeen cloths, imported in American vessels, from beyond the Cape of Good Hope, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. This amendment was concurred in, and the section stricken out.

To strike out the fifth section of the bill; which provides for the allowance of drawback of the duties imposed by this bill, on tallow, when manufactured into soap, and exported. This amendment follows of course—as the proposed duty on tallow had been stricken out by the Senate. The amendment was concurred in.

The amendments agreed to in Committee of the Whole, having been acted upon in the Senate—

Mr. DICKERSON then moved to amend the bill, by inserting the following clause: "on all books, printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound." This proposition was supported by the mover, and was adopted by the Senate.

Mr. TALBOT moved to amend the bill, by striking out the following proviso, which is attached to that clause of the bill which imposes duties on unmanufactured wool:

"*Provided*, That all wool, the actual value of which at the place whence imported shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

This motion was supported by the mover, and opposed by Messrs. DICKERSON and LLOYD of Maryland. The Senate refused to strike out the proviso—yeas 11, nays 35, as follows:

YEAS—Messrs. Benton, Branch, Brown, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, Ruggles, Talbot, Taylor of Indiana, and Thomas.

NAYS—Messrs. Barbour, Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Seymour, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

Mr. MACON then moved to strike out the words "On cotton bagging, four and a half cents per square yard." It was determined in the affirmative—yeas 25, nays 22, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas.

So the duty on cotton bagging was stricken out entirely.

Mr. MACON then moved to amend the bill by striking out the following line: "On pimento, eight cents per pound." This amendment was adopted.

Mr. KING, of New York, moved to amend the bill, in the following clause: "On iron, in bars or bolts, not manufactured in whole or in part by rolling, ninety cents per one hundred and twelve pounds," by striking out therefrom the words "by rolling." This motion was advocated by the mover, and opposed by Messrs. DICKERSON and LOWRIE. Before any question had been taken upon it, at four o'clock, a motion was made to adjourn, which was decided in the affirmative, by the casting vote of the Chair. And the Senate adjourned.

WEDNESDAY, May 12.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of commissioners under the treaty with Spain, of the 22d February, 1819," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill "for the relief of the heirs of Miguel Eslava," reported it without amendment.

On motion, by Mr. BARTON, Thomas F. Riddick had leave to withdraw the documents in relation to his claim, communicated on the 19th of January last.

The bill from the other House to "improve the navigation of the Ohio and Mississippi rivers," was twice read, and referred to the select Committee on Roads and Canals.

THE TARIFF.

The Senate resumed the unfinished business of yesterday, being the further consideration of the bill from the House of Representatives, "to amend the several acts for imposing duties on imports," Mr. KING, of Alabama, in the Chair.

Just previous to the adjournment yesterday a motion was made by Mr. KING, of New York, to amend the bill, in the following clause: "On iron, 'in bars or bolts, not manufactured in whole or in 'part by rolling, ninety cents per hundred and 'twelve pounds," by striking out therefrom the words, "not manufactured in whole or in part by rolling." The question was upon the adoption of that amendment.

Mr. KING, of New York, consented to waive his amendment, and Mr. DICKERSON moved to amend the same clause, by inserting after it the following: "and all iron, manufactured in whole or in part by rolling, shall be hereafter prohibited."

This amendment was supported by the mover, and by Messrs. EATON and HOLMES, of Maine, and opposed by Messrs. LLOYD, of Massachusetts, BARBOUR, MILLS, and HAYNE.

Mr. KING, of New York, expressed his willingness to assent to the prohibition of rolled iron, if some future time were fixed for the commencement of the prohibition, so as not to operate upon voyages already commenced.

[The amendment was objected to, on the ground that the prohibition of this article would amount to an infringement of our treaty with Great Britain, as the iron did not change its original character by the mere fact of its being rolled. It was contended, on the other hand, that the process of rolling made it another and a distinct article from bar iron, as much as steel was a different article from bar iron—the latter having only been manufactured in a greater degree than the other—and as rolled iron was a different article from the ore itself, it was a fair subject of discrimination or prohibition.]

Mr. DICKERSON said as this was a very important question, and appeared to involve the violation of our treaty with another nation, he thought it would be more proper to make it a subject of consideration at another time, and not in connexion with this bill. He, therefore, withdrew his amendment. Mr. KING, of New York, also withdrew that which he had submitted.

Mr. LLOYD, of Massachusetts, then moved to amend the bill, by striking out the specific duty of "ten cents per pound on vessels made of copper," and insert in lieu thereof an ad valorem duty of thirty-five per centum. This was agreed to, without division.

Mr. LLOYD, of Massachusetts, next moved to amend the bill by inserting the following lines:

"On Madeira wine, —— cents per gallon;"
"On Lisbon and Oporto wines, —— cents per gallon."

Mr. Lloyd supported his motion by some remarks upon the former important character of our trade with Portugal, and its present distressed state. He ascribed its decline to the excessive duties which had been imposed by this Government upon the wines of that country, and hoped that something would be done in the present bill to remove those embaraassments.

Mr. Dickerson opposed the consideration of this important measure, having reference to our trade with Portugal, in connexion with the present bill. He proceeded to advance other objections against the amendment, on the score of its general inexpediency.

Mr. Smith supported the motion, at considerable length, and Mr. Taylor of Virginia, made some remarks in favor of the diminution of duties on these wines.

The amendment was opposed by Messrs. Benton, Talbot, and D'Wolf.

[In opposition to the motion, it was contended that these rich and high priced wines not being used, or expected to be used, by the poor, were a fair source of revenue, and ought to be subject to heavy duties.]

Mr. J. S. Johnston, of Louisiana, moved to amend the proposed amendment, by adding to it the following:

"On Burgundy, ——; on Champaigne, ——; on Rhenish or Tokay, ——; on all other wines, not enumerated, when imported in bottles or cases, ——; on all other wines, not enumerated, when imported otherwise than in bottles or cases, ——."

Mr. Johnston supported his proposition by showing the propriety of a general reduction of the duties on wines, and of including in the reduction now proposed, the wines of France, as well as those of Portugal.

Mr. Smith made some further remarks on the subject, and Mr. H. Johnson, of Louisiana, spoke in favor of a reduction of the duties on French wines, as they were in very common use among all classes of people, in the part of the country which he represented.

Mr. Benton explained the reasons which would govern him in giving his votes on these amendments respecting the duties on wines.

The amendment proposed by Mr. J. S. Johnston, was not agreed to.

The question then recurred on Mr. Lloyd's motion in regard to Madeira, Lisbon, and Oporto wines. It was decided in the negative by yeas and nays, as follows:

Yeas—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—22.

Nays—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Thomas—25.

So the Senate determined not to alter the present rate of duties on wines.

Mr. Findlay moved to amend the bill in the following clause: "On oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem," so as to make it stand as follows: "On oil cloth carpeting fifty cents per square yard, and on oil cloths of every other description a duty of thirty per centum ad valorem." Mr. F. made some remarks in favor of his proposition, which was opposed by Messrs. Lloyd of Massachusetts, and Smith. It was not agreed to.

The question was then put upon ordering the amendments to be engrossed, and the bill to be read a third time, as amended. This question was decided in the affirmative by yeas and nays, as follows:

Yeas—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

Nays—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

So the bill as amended, passed to the third reading.

Thursday, May 13.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," reported it without amendment.

Mr. Noble, from the Committee on Pensions, to whom were referred the amendments of the House of Representatives to the bill, entitled "An act for the relief of Dean Weymouth," reported them without amendment.

Mr. Ruggles, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Edward Evans," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819;" and, on motion, it was postponed to Monday next.

On motion, by Mr. Lloyd, of Massachusetts, the Committee on Naval Affairs were discharged from the consideration of the report of the Secretary of the Navy of the 18th February, showing the expenditures of that Department for the year 1823.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing an examination and survey of the harbor of Charleston, in South Carolina, and of the coast of Florida; and it was amended, and reported to the Senate; and the amendment being concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place, belonging to the United States; and on motion, it was laid on the table.

The bill "in addition to act establishing navy hospitals;" the bill "relative to the Patent Office, and to the salary of the Superintendent thereof;" and the bill "for the relief of Alexander McNair," were severally read the third time, passed, and sent to the other House for concurrence.

The bill from the House of Representatives "providing for the appointment of an Indian Agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes," was read the third time, and passed.

The engrossed resolution to authorize the purchase of a certain number of the copies of the Journals of Congress from 1774 to 1788, was on motion by Mr. Thomas, ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," with an amendment. They have also passed bills of the following titles, viz: "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the District of Jackson Courthouse, in the State of Mississippi, and in the District of St. Helena Courthouse, in the State of Louisiana;" "An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;" "An act to regulate the fees of the Registers of Wills in the several counties within the District of Columbia;" "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach;" "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" "An act making an appropriation towards the extinguishment of the Quaupaw title to lands in the Territory of Arkansas; and "An act to authorize the Territory of Florida to open a canal to unite the river St. John's with the bay of St. Augustine;" in which amendment and bills they request the concurrence of the Senate.

On motion by Mr. Gaillard, it was ordered that, in considering the subjects on the orders of the day, bills which originated in the Senate shall first be disposed of.

INDIAN FUR TRADE.

On motion, by Mr. Benton, the Senate resumed, as in Committee of the Whole, the bill to enable the President to carry into effect the treaty made at Ghent, the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens, (Mr. King, of Alabama, in the Chair.)

Mr. Benton moved to add the following section, viz:

Sec. 5. *And be it further enacted,* That the sum of thirteen thousand dollars be paid out of any money in the Treasury not otherwise appropriated, to enable the President to send a military expedition against the hostile Indians of the Upper Missouri, and to preserve peace with the United States.

Mr. Lowrie moved to amend the proposed amendment, by striking out all after the word "President," and inserting "if in his opinion it should be deemed necessary, to send a military force to sustain and protect the commissioners who may be sent to hold treaties with the Indian tribes on the Upper Missouri river."

The question was taken and determined in the negative—yeas 20, nays 23, as follows:

Yeas—Messrs. Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Seymour, Talbot, Taylor of Indiana, and Thomas.

Nays—Messrs. Barbour, Bell, Chandler, Clayton, D'Wolf, Dickerson, Gaillard, Holmes of Maine, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware.

On motion, by Mr. Lowrie, the bill was ordered to lie on the table.

THE TARIFF.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was read the third time, as amended in the Senate. The question, "Shall this bill pass?" was then put.

Mr. Hayne opposed the passage of the bill in a speech of considerable length.

Mr. Smith, of Maryland, addressed the Chair as follows:

Mr. President, I am aware of the impatience of the Senate; but it appears particularly incumbent on me to make a few observations on the bill now on its final passage, as a justification for the vote I shall give in opposition to the memorial from Baltimore, unfurled triumphantly by the chairman, as if to deter me from the course that my duty to the interest of Maryland, and to the Union, had compelled me, as an honest representative of the people, to pursue. The signers of that memorial are highly respectable—some of them my relations—most of them my friends. They have counted on my known disposition to protect the manufactures of the nation, and will wish to know my reasons for the vote I am about to give. There must, Mr. President, be some point at which to stop. I have thought that, when I was willing to give twenty-seven dollars and a half to the manufacturer, in every hundred dollars worth of articles I buy for my family, more than I could get the same quality of goods from others, that I was contributing sufficiently, and that the manufacturer ought to be satisfied. The duty of twenty-seven and a half per cent. is the lowest now paid on articles which we are capable of manufacturing; that is, 25 per cent. and 10 per cent. thereon, to create the ad valorem. On many articles, the present rate of duties give 30, 40, 50, and, on low-priced cottons, an average of 60 per cent. The memorialists pray for further protection to the manufacturers of the country, and the memorial justifies the bill, as originally reported to the House, which, if it had passed, would have levied a tax of at least five millions of dollars per annum on the people. Now, sir, I feel almost confident that, if that had been known to be the effect of the memorial, it would have had few subscribers. The signers thought (I must presume) that they only asked for a moderate protection to the manufacturers; they could not have believed that a bill would be framed so as to lay on the common laborer, who works for one hundred dollars per annum, a tax of eight or ten dollars a year, and, on their own families, an annual tax of 20 per cent. on their consumption. The original bill was greatly amended in the House. When it came to the Senate, the increased tax to be levied on the people, amounted to above four millions of dollars, (I think four million two hundred and fifty thousand dollars.) I do not speak at random, Mr. President. No, sir; my calculation is bottomed on a report from Mr. Nourse, Register of the Treasury, which was submitted to the Senate by the chairman, and has been printed. It shows, as far as the Register could, the amount collected, in the year 1823, on each article, and the amount payable on the same articles, by the bill, as received from the House. There can be no mistake, unless I shall have made it in the subtracting the one from the other. Had this document been before the House, it might possibly have had an effect; I say possibly—I cannot say probably—for the cabalistic word "Tariff" was superior to all discretion or reason.

I have said that the tax levied by the bill (as it came from the other House) would have amounted to a sum exceeding four millions of dollars per annum on the people. I call it a tax, because the new duties are imposed on articles indispensable to the people, many of which cannot be made in this country for many years, and some of them never; and wholly unnecessary to the protection asked for by the manufacturer. If the articles which required protection had been selected, and a rational protection had been granted, the bill would probably have been acceptable to many of its opposers—certainly to me. As the bill now stands, it affords very little protection, and imposes a heavy tax on the people, at a time when they are distressed, and when we do not want revenue; our means being fully equal to our wants, and at a time when Great Britain is relieving her people from a part of their burdens. It is true, that the people will not be sensible of the tax they are paying; they do not know that the duties now paid impose a tax of 50 per cent. on all their consumption. Yet it is a fact, which I showed, and, I thought, proved, during the discussion of the bill. Let us suppose, Mr. President, that a direct tax and internal duties were proposed, to the amount of three or four millions annually, as a bounty to the manufacturers, to enable them to compete with the British—how many advocates would it have? And yet it would be a fairer mode—those taxes would fall on the whole; whereas the tax by this bill will be most severely felt by the South and Southwest.

I have said, Mr. President, that many of the proposed duties are imposed on articles that cannot be made in this country, and on others that there is little or no probability will be manufactured in the country for many, very many, years. In the mean time, the people are taxed. I will now proceed to show the excess of duty proposed by the bill, as it came from the House, on the most important items, and gentlemen will judge how far I have been correct.

On woollen cloths and cassimeres, the additional duties will amount to $703,460 a year. Now, sir, although we may, in time, be able to manufacture those goods; yet, it will be many years before we can make much more than to meet the gradual increase of the population of the country. But what protection is given to the woollen manufacturer? None. If I am rightly informed, you place him in a worse situation than he was, by levying enormous duties on the raw material of wool, and that at a time when England is taking off her duty of ten cents per pound on imported wool. Thus, by the double operation of Great Britain aiding their manufacturer by lessening the duty on wool, and our laying an exorbitant duty on its importation, our manufacturer is incapacitated from entering into a competition, on equal terms, with the British; and this is the silly course we are pursuing.

On worsted stuffs, the duty proposed would create an additional tax on the people of $372,376 per annum. Now, where in the United States is there a piece of worsted stuff made? No where; nor any contemplated. Then, why levy the duty? It will benefit no manufacturer. It is a tax that cannot be avoided; the females must have them for themselves and their children. On whom does it fall? On the poor and middling classes principally; a few, such as bombazetts, are worn by the rich for mourning. It is such folly as this that disgusts me with the bill.

On blankets and rugs, the excess of duty proposed amounts to $119,711. When can we make sufficient for our consumption? The poor find it difficult to provide for their wants already; why increase it on them? On raw wool, the duty proposed amounts to $93,763, just double what it now pays.

On linens, the increased duty amounts to $418,-

318 per annum. Now, sir, I ask the Chairman, where is there a manufacture of Irish linens? where a supply of osnaburgs, and other coarse linens, adequate to our wants? I know of none. This is, then, evidently a tax without benefit to any person. It will be simply an addition to the revenue, which the President said, in his message, was not wanted.

On silks, the proposed duty would exceed that now paid in the sum of $778,279. What manufacture does this enormous tax protect? Have we any such manufacture? Can we have? Will we ever have? Then why lay it? On whom does it fall? On the ladies! On the females of the country. I call on the Chairman; I call on the other bachelors of the Senate; where is their gallantry? Does it sleep? Will they oppress their fair countrywomen with this heavy imposition on their dress? I call as Glendower did, but will they come? No, sir; their countenances show obduracy. You, sir, who now fill the chair, by your smiles, show how much you think it your duty to protect the fair. Had those recreants lived in the time of chivalry, they would never have broken a lance in honor of beauty and bright eyes. But I shall be told that silks are a luxury, and so they were at one time of the Romans, when they were sold pound for pound against gold. Silk is now worn by all classes. All our farmers' wives and daughters, who are in tolerable circumstances, have their silk bonnets and gowns. Look at the streets, in your great cities, and you will see that silk is worn by all classes. I admit that it is a fair object of revenue, but the President has told you, and we all know, that revenue is not wanted. It is, therefore, a heavy tax, without object.

On woollen and cotton stockings, the additional duty is $44,607. I believe they may be made, in process of time; at present, we have some manufactures of them, but to no great extent.

On hempen goods, such as osnaburgs, ticklenburgs, burlaps, we make none. The excess of duty is $28,004. On Russia and Holland duck, the bill proposed to double the duty. The difference amounts, between the old and new, to $154,271, a direct unavoidable tax on the shipping interest, already in a desponding state. I will not add to what I have already said on that subject. When this subject was under consideration, in 1816, we were told by Kentucky, grant us a duty of $1 50 per hundred weight, and we will soon supply the market. It was granted. Did they cultivate hemp? No, sir; they raised less, much less, than they had done previous to that period; and now they ask a duty of two cents per pound—thus raising the duty from $30 per ton, to $44 80 per ton—and, in this way, to levy a tax on the shipping interest, already almost prostrate, of $47,867 per annum. I say a tax, for there would not be a ton of hemp less imported.

On bar iron, the additional duty will amount, per annum, to the sum of $88,782, This, also, falls heavily on the shipping interest, as has been shown, by Mr. **LLOYD** of Massachusetts, and others. It will not lessen the importation one ton. It may make the farmers, ship-builders, nailmakers, and others, pay more for iron. I doubt whether the blacksmith will be able to obtain a cent more for horse shoes, or he who furnishes the ships with piece work, such as hooks and thimbles, &c., to get more than he now does. It will, therefore, only be a tax on their labor. I will venture to believe, that the iron master will not get more by this three dollars per ton, than he will have added to his expenses and to those of the people he employs, by the additional duties on the articles in this bill, which they must consume. I will add, that I have been told by a well informed gentleman, that any duty less than twenty-five dollars per ton, will not prevent the importation of foreign iron. Bar iron is a raw material—every imposition thereon is injurious to our nailmakers, who could compete with any nation, in the trade to South America, if they could draw back, on exportation, the duty paid on importation; but to this the Chairman will not assent.

On imported spirits the increased duty proposed would amount to $306,061 per annum. The attempt on this object shows the temper of men. At present, the duty on imported spirits amounts to double the price of whiskey in the market, and yet more is asked, and so it will be. Give what you will, Mr. President, and more will be required. What is the result of the present high duty on spirits? Why, we are told, from undoubted authority, that Jamacia rum is sold in Maine, near Brunswick, at less than the duty now imposed by law.

You propose to raise the duty on the seven and a half per cent. goods, to twelve and a half per cent. None of them are made in the United States. Now, sir, when a man can carry in his breeches pocket the value of three or four hundred dollars, the probability is, that little duty will be paid. In 1816, the duty on those fine goods was lowered to seven and a half per cent. ad valorem. At first, it was not thought worth the risk of smuggling, and the goods were tolerably fairly imported. In 1817, the amount imported was $1,529,284. In 1818, $2,387,697. In 1819, $1,679,284; but, in 1820, they began to understand the business better, and the amount fell down to $509,237. In 1821, $840,613; and in 1822, to the sum of $918,557. What will be produced by the twelve and a half per cent. is problematical. I fear that smuggling will cease to be considered an immoral act; and, whenever that takes place your revenue will be greatly injured.

I will read the names of the other articles without troubling the Senate with showing the increased duty on each. They will see that most of them have no bearing on the manufactures of the country; they are simply taxes on the people, without object, some few articles, however, excepted, to wit: glass and Leghorn hats and bonnets, carpets and carpeting, paper, books, and some articles of iron and copper.

Mr. President, the total amount of new and additional duties proposed by the bill, as it came from the House, which could be distinguished by the Register, amounts to the sum of $3,779,625.

I have estimated the difference on such articles as he could distinguish, but which were numerous; and have estimated the whole amount at four millions. My real opinion is, that it amounts to much more. But, Mr. President, the Senate have made many valuable amendments to the bill; so that, I believe, without having made any exact calculation on it as it now stands, that the new duties will be an increase on the old, of about $3,500,000, say $2,800,000 of a tax on the people.

Mr. President, I ask, what are the advantages to be derived from the bill to justify us to the people for levying on them so heavy a tax? Is it on cottons? The bill, it is true, better secures to them the fabric, under a cost of twenty-five cents the square yard. But, until they commence the making of a variety of cotton fabrics, which they do not make, and are not prepared to make, it will be simply a tax on almost all, except the plain white cottons, that they do now make, and the consumption of which they now enjoy, in a great proportion.

Is it on woollens? I am unacquainted with the subject; but I am informed, that the bill gives little protection to them, as the duty on the raw material is equal, or nearly equal, to the increased duty on the cloth.

Is it on linens or silks? Certainly not. We manufacture none, and will not, in any reasonable time.

Is it on worsted stuffs? I have shown that we have no manufactory of the kind, nor is there any probability that we shall have, for thirty years.

Is it on osnaburgs and such like goods? No; we manufacture none, nor is there a probability that we shall. It is true, that we could, but as true that we will not.

Is it on bar iron? The addition of three dollars per ton is too unimportant; it will operate nothing as a protection; and that the Chairman, who has something to do with iron or iron ore, knows well, and feels it. It is simply a tub to Pennsylvania.

Is it on glass, books, papers, and Leghorn hats and bonnets? Yes, sir, those articles are protected. There are some minor articles, also, that will be benefited; but, Mr. President, are those benefited of such consequence as to induce the Senate to vote a perpetual tax of $3,500,000 per annum on the people? I think not. I say perpetual. Those duties for the protection of manufactures, are not like duties for revenue. The first cannot be repealed without injury to those who have engaged in them. Those for revenue, may, at pleasure.

I have, Mr. President, taken up the precious time of the Senate, under the hope that I should be able to justify my vote to all my immediate constituents, and to the nation. I have done, and pray the Senate to accept my thanks for the attention with which they have honored me.

The question on the passage of the bill was decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—21.

So the bill passed as amended, and was sent to the other House for concurrence in the amendments.

FRIDAY, May 14.

On motion by Mr. BARBOUR, it was ordered that, in considering bills which originated in the Senate, those of a private nature shall be first disposed of, and the same rule shall be observed in relation to bills from the House of Representatives.

The seven bills yesterday brought up from the House of Representatives for concurrence, were severally read twice by unanimous consent.

On motion, the bill, entitled "An act to regulate the fees of the registers of wills in the several counties within the District of Columbia," were referred to the Committee on the District of Columbia.

The bill, entitled "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida, included in the district of Jackson Courthouse, in the State of Mississippi; and in the district of St. Helena Courthouse, in the State of Louisiana;" and the bill, entitled "An act granting certain lots of ground to the Corporation of the city of Mobile, and to certain individuals of said city," were severally referred to the Committee on Public Lands.

The bill, entitled "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach," was referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The bill, entitled "An act making an appropriation towards the extinguishment of the Quapaw title to land in the Territory of Arkansas," was referred to the Committee on Indian Affairs, to consider and report thereon.

The bill, entitled "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" and the bill, entitled "An act to authorize the Territory of Florida to open a canal through the public land to unite the river St. John's with the bay of St. Augustine;" were severally referred to the select Committee on Roads and Canals.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act authorizing the issuing certain debentures to Bernard Thooft;" and, no amendment having been made thereto, it was reported to the Senate; and ordered to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of John Holliday;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Jonas Duncan;" and it was laid on the table.

The bill from the other House, "for the relief of Mary James," was taken up for consideration in Committee of the Whole. The husband of this petitioner was a soldier draughted during the late war, in the State of Virginia. Soon after his discharge, he died of a disease contracted during his service; and his widow prays that she may be allowed a pension from the Government. Considerable discussion took place upon the bill; in which Messrs. BARBOUR and LANMAN advocated its passage, and Messrs. NOBLE and CHANDLER opposed it. Mr. NOBLE moved that the further consideration of the bill be indefinitely postponed. This motion was carried—yeas 18, nays 10, as follows:

YEAS—Messrs. Bell, Benton, Brown, Chandler, D'Wolf, Edwards, Gaillard, Hayne, Holmes of Mississippi, J. S. Johnston of Louisiana, King of Alabama, Lowrie, Macon, Noble, Parrott, Ruggles, Seymour, and Smith.

NAYS—Messrs. Barbour, Barton, Jackson, Johnson of Kentucky, King of New York, Lanman, Lloyd of Massachusetts, Mills, Thomas, and Van Dyke.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Malachi Burns;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Arthur N. Henley;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Robert S. Forman;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Joshua Bennett;" and it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act enabling the claimants to lands within the limits of the State of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims;" "An act to authorize the issuing of letters patent to Nathaniel Sylvester;" "An act to revive and extend the term of certain pensions which have expired by limitation;" and "An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes;" in which bills they request the concurrence of the Senate.

The four bills last mentioned were severally read twice, by unanimous consent; and the two first mentioned were severally referred to the Committee on the Judiciary. The third mentioned of said bills were referred to the Committee on Naval Affairs. The fourth and last mentioned of said bills was referred to the Committee on Indian Affairs.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Judah Alden;" and it was laid on the table.

The bill reported by the Committee on Finance, "for the relief of John H. Howland, of New York," was taken up for consideration in Committee of the Whole. Mr. GAILLARD was called to the Chair. This bill provides for the allowance of the drawback on certain goods exported from the city of New York; which drawback could not otherwise be allowed, in consequence of some little informality in the entry of the same. Mr. SMITH explained the facts in the case, and the bill was then reported to the Senate, and passed to be engrossed and read the third time.

Mr. BENTON, from the Committee on Military Affairs, reported a bill "to provide for the extinguishment of Indian titles to lands within the State of Missouri," together with a written report on the subject. The bill was read, and passed to a second reading; and the report was ordered to be printed.

The bill reported by the Committee on the Judiciary, "to permit Anna Dubord to land certain slaves in the State of Louisiana," was taken up in Committee of the Whole. The lady for whose relief the bill was drawn, had left the country; and, on her return, requests permission to land her household servants, which she took from the country with her. Messrs. HOLMES, of Maine, J. S. JOHNSTON, of Louisiana, and VAN BUREN, explained the circumstances. Mr. CHANDLER opposed, and Mr. MILLS advocated, the passage of the bill. It was then reported to the Senate, without amendment; and passed to be engrossed and read the third time.

The bill reported by the Committee on Finance, "for the relief of Alexander Scott, late Collector of the port of Pensacola," was taken up, in Committee of the Whole.

This bill provides an increased compensation to Mr. Scott, for certain services performed by him. Some remarks upon this bill were made by Messrs. SMITH, RUGGLES, and EATON. The bill was then ordered to lie on the table.

The bill introduced on leave, and reported by the Committee on Public Lands, "for the relief of John Donnelson, Stephen Heard, and others," was taken up for consideration, in Committee of the Whole. This bill confirms the grant of a tract of land to each of the persons for whose relief it is drawn, as a compensation for their services as Commissioners, under an act of the State of Georgia, in 1784, "to ascertain the precise quality and situation of that portion of the Western territory lying on the big bend of the Tennessee river." This grant had been made to the Commissioners, by the State of Georgia, previous to the cession of the territory, where the land was situated, to the United States. The lands reserved for these Commissioners, not having been located, and the titles not having been perfected, this bill confirms the grants of those individuals. Some discussion on the merits of this claim took place between Messrs. EATON, CHANDLER, KING of Alabama, LOWRIE, H. JOHNSON of Louisiana, and WARE. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The following bills from the House of Representatives, relating to private claims, were severally taken up for consideration in Committee of the Whole. They were explained by the chairman of the committees to which they had been referred in the Senate; and some of them were cursorily discussed. They were reported to the Senate, and passed to a third reading:

The bills for the relief of George B. R. Gove; releasing the owners of the ship General Jackson from the payment of certain duties; for the relief of David Giffin and Daniel Hoag; for the relief of the legal representatives of Samuel Mims, deceased; for the relief of Joseph Wheaton; for the relief of William T. Nimmo; for the relief of Alvin Bronson; for the relief of David Beard; for the relief of William Blagrove; for the relief of John Thomas and Company; for the relief of William N. Earle; for the relief of Charles Humphrey; for the relief of Joseph Marechal; to authorize the repayment to Bazaleel Wells, of a certain sum of money erroneously paid into the Treasury; for the relief of Elliott Rucker; for the relief of Thomas Williams; for the relief of Henry Lightner; for the relief of David Cooper; for the relief of Solomon Sibley; for the relief of Frederick Perley; for the relief of the representatives of Elijah Brush; for the relief of Stephen Brace; for the relief of Lemuel Arms; for the relief of Mareen Duval; for the relief of Nathaniel Jones; for the relief of George Fisher; to compensate William Cocke for certain services; for the relief of John Wilmot; and for the relief of J. T. Johnson.

The amendment made by the House of Representatives to the bill from the Senate, "to provide for the extinguishment of the debt due from the purchasers of the public lands," was taken up for consideration. Some remarks were made upon the propriety of this amendment by Messrs. KELLY, LOWRIE, KING of Alabama, BROWN, THOMAS, and RUGGLES. The amendment was then concurred in.

The bill "authorizing the examination and survey of the harbor of Charleston, South Carolina, and of the coast of Florida," was read the third time, passed, and sent to the other House for concurrence.

SATURDAY, May 15.

Mr. BARBOUR presented the petition of W. K. Armistead, praying that a law may pass authorizing an equitable settlement of his accounts; which was read, and referred to the Committee of Claims.

On motion, by Mr. VAN BUREN, the Committee on the Judiciary were discharged from the consideration of the bill, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims;" and was referred to the Committee on Public Lands.

Mr. BARBOUR, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act to regulate the fees of the registers of wills in the several counties within the District of Columbia," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the issuing a register to the brig William, of New York;" and, on motion, it was postponed to Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Maturin Guichot;" and, no amendment having been made, it was reported to the Senate, and passed to a third reading.

The bill to extinguish the Indian claims to lands within the State of Missouri, was read the second time.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Thomas L. Ogden and others;" and it was laid on the table.

Mr. EATON, from the Committee on the District of Columbia, to whom was recommitted the bill, entitled "An act supplementary to the act 'to incorporate the inhabitants of the City of Washington,' passed the 15th of May, 1820," reported it with an amendment, which was read; and ordered to be printed for the use of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Robert Strain;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Landie Richardson;" and it was laid on the table.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act making an appropriation towards the extinguishment of the Quaupaw title to lands in the Territory of Arkansas," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Peter Yandes;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Samuel Cleveland, junior;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of the assignees and legal representatives of John H. Piatt;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of John K. Carter;" and it was laid on the table.

On motion of Mr. Barton, the Committee on Public Lands was discharged from the further consideration of the petition of Isaac Clark, his case having been embraced in a general act which has been passed by Congress.

The same committee was, also, discharged from the further consideration of the petition of Charles Morgan, of Louisiana.

Mr. Lowrie gave notice that, on Monday next, he should ask leave to introduce a joint resolution to authorize the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers at foreign Courts.

Mr. Benton submitted a resolution, requesting the President of the United States to cause to be laid before the Senate, at the next session, a report from the Secretary of the Navy, showing the reasons why American hemp may not be used in the manufacture of canvass and cordage for the American Navy. The resolution was read, and laid over for consideration.

The following bills from the House of Representatives, having relation to private claims, were severally taken up for consideration, in Committee of the Whole, Mr. Gaillard in the Chair. The merits of the respective claims were explained by members of the committees to which they had been referred; and some of them were discussed by other members. They were severally reported to the Senate, and passed to a third reading:

The bills for the relief of Archibald Clark; for the relief of Daniel Carroll of Duddington, and others; for the relief of Robert S. Forman; supplementary to an act entitled An act to authorize the legal representatives of John B. Mebane to collect certain arrears of taxes; for the relief of Jacob Slough; for the relief of Joseph Firman and others; for the relief of Isaac Collier and others; for the relief of the legal representatives of Charles Bradford; for the relief of the legal representatives of John Lauderman; for the relief of William Hall, an invalid soldier of the Revolutionary Army; for the relief of Alexander Scott, late collector of Pensacola; for the relief of Joshua Bennett; for the relief of Benjamin King; for the relief of Jonas Duncan; for the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of Edward Styles; for the relief of Robert Brotherton; for the relief of John S. Moffett; for the relief of certain persons who imported goods into Castine, during the late war; for the relief of Benjamin Desobry; for the relief of J. Ottremare; for the relief of Dean Weymouth; for the relief of Joseph Smith, of Alexandria; for the relief of Robert Blean; for the relief of the executors of John B. Fanning, late a purser in the Navy of the United States; for the relief of J. M. C. Montgomery; for the relief of Hugh McCulloch; for the relief of Mary H. Hawkins; for the relief of Morris Goldsmith and Anthony Roderick; for the relief of the legal representatives of John Fry and Samuel Spalding; for the relief of John Topp.

The bill "for the relief of the legal representatives of John Donnelson, Stephen Heard, and others;" the bill "for the relief of John H. Howland, of New York;" the bill "to permit Anna Dubord to bring certain slaves into the State of Louisiana;" and the resolution "authorizing the purchase of a certain number of copies of the Journal of Congress, from 1774 to 1788;" were severally read the third time, passed, and sent to the other House for concurrence.

The following bills, from the House of Representatives, were severally read the third time and passed; the bills for the relief of the legal representatives of Samuel Mims, deceased; for the relief of William P. Nimmo; for the relief of Alvin Bronson; for the relief of David Giffin and Samuel Hoag; for the relief of George B. R. Gove; for the relief of Joseph Wheaton; for the relief of William Blagrove; for the relief of John Thomas and Company; for the relief of William N. Earle; releasing the owners of the ship General Jackson from the payment of certain duties; for the relief of Charles Humphrey; for the relief of the representatives of Elijah Brush; for the relief of Joseph Marechal; providing for the repaying to Bazaleel Wells, a certain sum of money by him erroneously paid into the Treasury; for the relief of Stephen Brace; for the relief of Lemuel Arms; for the relief of Mareen Duval; for the relief of Elliott Rucker; for the relief of Thomas Williams; for the relief of Nathaniel Jones; for the relief of John Wilmot; for the relief of Henry Lightner; for the relief of David Cooper; for the relief of David Beard; for the relief of Solomon Sibley; for the relief of Frederick Perley; to compensate William Cocke for certain military services, rendered during the late war; for the relief of John T. Johnson; and an act authorizing the issuing of certain debentures to Bernard Thooft.

The amendments made in the House of Representatives to the bill from the Senate "for the relief of Dean Weymouth," were taken up for consideration. The first amendment was concurred in, and the second was disagreed to.

The Senate resolved to adhere to that part of their amendment to the bill "concerning invalid pensioners," which was disagreed to by the House of Representatives.

Monday, May 17.

On motion of Mr. Barton, the Committee on Public Lands was discharged from the further consideration of the resolution, "directing an inquiry whether any further legislation be necessary to prevent frauds in surveying the public lands, and in making certificates thereof." Mr. B. stated that the committee were of opinion that the present laws are amply sufficient to attain the objects of the resolution; and therefore had directed this motion to be submitted.

Mr. Benton gave notice that he should tomorrow ask leave to introduce a bill "to complete the survey of the Southern and Western boundaries of the State of Missouri."

In pursuance of notice given on Saturday last, Mr. LOWRIE asked leave to introduce a joint resolution, to authorize the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers and Chargés des Affaires, at foreign Courts. Leave was accordingly granted—the resolution was read, and passed to a second reading.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act to revive and extend the term of certain pensions, which have expired by limitation," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting certain lots of ground to the Corporation of the city of Mobile, and to certain individuals of said city," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to allow further time to complete the issuing and locating of military land warrants," reported it without amendment.

Mr. BROWN, from the select Committee on Roads and Canals, to whom was referred the bill, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," reported it without amendment.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause a report, from the Secretary of the Treasury, to be laid before the Senate at the commencement of the next session of Congress, showing the amount of duties which shall have accrued on importations into the United States for the three-quarters of a year, ending June 30, 1824; also, the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes," reported it without amendment.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of Samuel Rist," reported it without amendment.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to amend the several acts for imposing duties on imports," with amendments to the first, third, fourteenth, sixteenth, and forty-eighth thereof; in which they request the concurrence of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill entitled "An act for the relief of the heirs of Miguel Eslava;" and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill entitled "An act for the relief of Edward Evans;" and, no amendment having been made thereto, it was reported to the Senate, and passed to a third reading.

The following bills, from the House of Representatives, respecting private claims, had their third reading, and were passed:

The bill for the relief of Archibald Clark; for the relief of Daniel Carroll, of Duddington, and others; for the relief of Robert S. Forman, supplementary to an act, entitled an act to authorize the legal representatives of John B. Mebane, to collect certain arrears of taxes; for the relief of Jacob Slough; for the relief of Joseph Firman, and others; for the relief of Isaac Collier and others; for the relief of the legal representatives of Charles Bradford; for the relief of the legal representatives of John Lauderman; for the relief of William Hall, an invalid soldier of the Revolutionary Army; for the relief of Alexander Scott, late collector at Pensacola; for the relief of Joshua Bennett; for the relief of Benjamin King; for the relief of Jonas Duncan; for the relief of Robert Brotherton; for the relief of John S. Moffit; for the relief of certain persons who imported goods into Castine, during the late war; for the relief of Benjamin Desobry; for the relief of J. Ottremare; for the relief of Dean Weymouth; for the relief of Joseph Smith, of Alexandria; for the relief of Robert Blean; for the relief of the executors of John B. Fanning, late a purser in the Navy of the United States; for the relief of J. M. C. Montgomery; for the relief of Maturin Guichot; for the relief of Hugh McCulloch; for the relief of Mary H. Hawkins; for the relief of Morris Goldsmith and Anthony Roderick; for the relief of the legal representatives of John Fry and Samuel Spalding; for the relief of John Topp; for the relief of James, Jehu, and Nathaniel Brooks.

The bill "for the relief of Thomas L. Ogden, and others," was taken up in Committee of the Whole. This is a claim for wood cut down, and used by the United States troops at Sackett's Harbor, during the late war. After some discussion, the bill was reported to the Senate, and refused a third reading.

The following bills from the other House were taken up in Committee of the Whole, reported to the Senate, and passed to a third reading; the bills for the relief of John K. Carter; for the relief of Landie Richardson; and for the relief of Robert Strain.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the Senate then proceeded to consider the bill "to enable the President to carry into effect the Treaty made at Ghent the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade, within the limits of the said United States, to American citizens." The question was upon adopting an amendment, proposed by Mr. BENTON as a new section to the bill, providing an appro, priation of $13,000 to enable the President to send a military expedition among the hostile Indians on the Upper Missouri, and to preserve the peace in that quarter. Messrs. Benton, Johnson, of Kentucky, Holmes, of Maine, and J. S. Johnston, of Louisiana, made some remarks upon this subject.

Mr. Noble moved to amend the amendment by striking out all but the enacting clause, and inserting a provision appropriating $10,000 for the purpose of enabling the President to send a military escort, when he shall think proper, for the protection of commissioners to be sent to the Upper Missouri, to treat with the Indians in that quarter.

Mr. Benton accepted this amendment, and agreed to withdraw that which he had proposed. Messrs. Mills and Holmes, of Maine, contended that the President had already the power which this amendment proposes to give him. Messrs. Brown, Lowrie, Barbour, Edwards, King, of New York, H. Johnson, of Louisiana, and Benton, entered into the discussion of the merits of the proposed amendment. The question was then put upon the adoption of the amendment, and carried in the affirmative. The bill, as amended, was then reported to the Senate; the amendments made in Committee of the Whole were agreed to. The bill was then ordered to be engrossed, and read the third time.

AMERICAN HEMP.

The following resolution, submitted on Saturday last, by Mr. Benton, was again read for consideration:

Resolved, That the President of the United States be requested to direct the Secretary of the Navy to lay a report before the Senate, at the commencement of the next session of Congress, showing the reason, if any, why canvass, cordage, and cables, made of hemp, the growth of the United States, may not be used in the equipment of national vessels.

Mr. Benton said his object in presenting the resolution was, to find out the reason which excludes American hemp from American ships. The objection being known, could be met and conquered, if it was not insuperable. A defect in the fibre might be incurable; but, if the objection goes only to the preparation, the manufacture, or the want of an adequate supply, there is nothing invincible in it.

Mr. B. wished the Navy to be *national,* not only in the hearts which fill it, but in the material of which it is built. He objected to the quantity of foreign material now used; iron from Sweden, hemp from Russia, copper from England, lead from the Mediterranean. Wood, alone, was the product of the United States. He referred to an official paper to show the cost of these materials in a ship of the line:

Iron - -	$23,000	—The North Carolina 74
Hemp - -	$61,000	—The Columbus 74
Copper - -	$57,000	—The Columbus 74
Wood - -	$70,000	—The Columbus 74
Lead - -	$2,500	—The North Carolina 74

He pointed out the enormous disproportion of cost between the foreign and the domestic material; and calculated the loss to American citizens, and the gain to the serfs and boors of Europe, in building the nine ships of the line and the twelve frigates, lately authorized by an act of Congress for the gradual increase of the Navy. But the loss, great as it is, he said, did not stop here. When these nine seventy-fours and twelve frigates are finished, another set will be commenced, and the work will go on, until the Republic, like the Mother Empire, shall boast her "thousand ships of war." Mr. B. had no objection. He was a friend to the Navy. He wished to see it grow with the growing power of the country; but he wished it also to be *national* in material, as well as in crews and commanders; and he claimed for the American people the benefit of the expenditure which creates it.

Mr. Lloyd, of Massachusetts, said he did not rise to oppose the resolution, as he was perfectly willing to vote for any information on the subject; but he wished to suggest an amendment. He remarked upon the *national* character which the Navy already possessed—he repelled the idea, which had frequently been expressed that the Navy was peculiarly an Eastern or sectional interest. He adverted to an act which had been recently brought forward, and which had passed the Senate, for the building an additional number of sloops of war; a class of vessels which was not absolutely necessary, in the deep waters of the North, but which was peculiarly adapted for the protection of the mouth of the great rivers of the West, and the products of the Western States, which were constantly descending those rivers.

Mr. L. proposed to amend the resolution, so as to extend the inquiry to the relative advantages of using, for the Navy, the domestic or the foreign material mentioned in the resolution.

Mr. Benton assented to the remarks made by the Senator from Massachusetts, and agreed to the proposed modification of his resolution.

Mr. Smith made a few remarks, in order to show that foreign materials were not now used in the construction of our public vessels to the extent apprehended by the honorable member from Missouri.

The question on agreeing to the resolution was then put, and carried in the affirmative.

THE TARIFF.

The amendments which were made in Senate, and disagreed to in the House of Representatives, to the bill "to amend the several acts for imposing duties on imports," was taken up for consideration.

The House propose to amend the first amendment of the Senate, which provides for a duty of fifteen per centum on Russia, Holland, and Raven's duck, by striking out the words "Russia, Holland, and Raven's," and inserting, in lieu thereof, the word "sail," so as to read "on sail duck." On motion of Mr. Dickerson, the Senate agreed to this amendment.

The House refuse to concur in the following proviso, inserted by the Senate: "*Provided,* That,

‘ on all manufactures of wool, or of which wool ‘ shall be a component part, the actual value of ‘ which, at the place whence imported, shall not ‘ exceed thirty-three and a third cents per square ‘ yard, shall be charged with a duty of twenty-five ‘ per centum ad valorem.” Mr. BARBOUR moved that the Senate do insist upon its amendment, in this case. Messrs. DICKERSON and EATON, opposed this motion. On this question the votes were as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

The Senate being thus divided on the question, the Vice President resumed the Chair, and gave his casting vote in favor of insisting upon the proviso. And so the Senate determined to insist upon retaining the proviso.

The House refuse to concur in the amendment, by which the Senate struck out the following clause: “On cotton bagging, four and a half cents per square yard.” Mr. DICKERSON moved that the Senate do recede from this amendment. The motion was opposed by Messrs. HAYNE, J. S. JOHNSTON, of Louisiana, and H. JOHNSON, of Louisiana, and supported by Mr. JOHNSON, of Kentucky.

Mr. J. S. JOHNSTON said, he did not rise to discuss a bill which had occupied so much time. His object was to state the question now pending fairly to the House. It was a question between the Western States and the cotton planting States. The other States were indifferent and neutral; and, therefore, properly umpires between them. He submitted his remarks to the candor of gentlemen interested, and hoped they would receive and estimate them in the spirit of justice and conciliation.

He said it must be confessed, that, whatever might be the effect of this bill, it did not operate beneficially upon the cotton States; that, in a bill embracing nearly all the interests of the country, not one item was introduced which could in the least profit them; they are beyond the reach of protection. It must be equally evident that the bill is predicated on a general rise of about ten per cent. on all articles; that the weight of this increased duty falls equally upon the Southern States: they must bear the full proportion of this tax upon every article of consumption. He said the duty on duck and coarse linens, articles of the same description, had been excepted from the bill; this had been from respect to peculiar interests. He approved of the exception. They fell upon a peculiar class, and might impair the ship building and navigation. Cotton bagging, although coming within the scope of the exception, was not included: he did not ask that. He was willing to increase the duty at the rate of all other articles, to twenty-five per cent; and he did this with a view to meet the gentlemen in the spirit of conciliation and compromise. The present duty is equal to 2¼ cents per running yard, the proposed duty is equal to 4½ cents per square yard, equal to 5¼ per running yard. The increase to 25 per cent. is equal to 3¾ cents. This conforms to the general principles of the bill, and he hoped would encourage the production of the article. It will not operate unequally and unjustly. He made some remarks upon the quantity consumed, cost, present amount of duty, and the sum which would be drawn from the cotton States by the increased duty.

He said that Kentucky had, no doubt, suffered much distress in consequence of the sudden revulsion that took place after the war, &c., perhaps by the means which she had adopted, to avert the evil. But, he said, he believed that, at least with regard to his own State—she was now undergoing the same trial through which Kentucky had passed—she was now struggling with her debts, loss of crops, fall of prices, and depreciation of property—she had been obliged to borrow two millions to avoid the fatal contrivances of other States—she had avoided stop laws, replevins, paper money; but, to relieve the pecuniary distress, she had been obliged to pledge the public credit for two millions. There was nothing in her situation to warrant the imposition of any unequal tax upon her.

He concluded by repeating, that, receiving no advantage from the bill, bearing an equal portion of the whole burden, and as exceptions had been made in favor of articles of a similar description, and in favor of particular interests, he submitted to the candor of the West, and to the judgment of the House, whether a greater increase ought to be demanded than twenty-five per cent. ad valorem.

The question on receding was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—21.

NAYS—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—25.

So the Senate refuse to recede from their amendment, by which the duty on cotton bagging was stricken out. On motion of Mr. DICKERSON, the Senate then determined to insist upon that amendment.

The House refuse to concur in the amendment, by which the Senate struck out the fourth section, providing for the allowance of drawback on plain silk and nankeen cloths, imported in American vessels from beyond the Cape of Good Hope, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or printed, in the United States. Mr. **DICKERSON** moved that the Senate do insist upon this amendment. This motion was opposed by Mr. **LLOYD**, of Massachusetts. It was decided in the negative. On motion of Mr. **LOWRIE**, the Senate receded from the amendment, by which the fourth section was stricken out. So the fourth section was retained, as amended in the House, by striking out the words "and nankeen cloths."

PUNISHMENT OF CRIMES.

On motion of Mr. **LLOYD**, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill "to provide for the punishment of certain crimes committed in any navy 'yard, fort, arsenal, magazine, dockyard, lighthouse, 'tract of land, or other place, the exclusive jurisdiction of which belongs to the United States;" Mr. **KING**, of Alabama, was called to the Chair. Mr. **LANMAN** opposed the passage of the bill, and was replied to by Mr. **LLOYD**. Mr. **EATON** submitted a new bill, as an amendment to that under consideration. The amendment was adopted; and the bill, as amended, was reported to the Senate. Messrs. **J. S. JOHNSTON**, of Louisiana, **TALBOT**, **HOLMES**, of Maine, **MILLS**, **CHANDLER**, **VAN BUREN**, and **LANMAN**, discussed the propriety and expediency of passing the bill. An amendment proposed by Mr. **MILLS**, rendering the bill more specific as to the crimes to be included in its provisions, was adopted. The bill was then passed to be engrossed and read the third time; yeas 36, nays 8, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Brown, Clayton, Eaton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, McIlvaine Mills, Noble, Palmer, Parrott, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Benton, Chandler, D'Wolf, Dickerson, Findlay, Lanman, Lowrie, Macon.

A message from the House of Representatives informed the Senate that the House ask a conference with the Senate on the disagreeing votes of the two Houses, upon the amendments of the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports;" and have appointed managers at the same on their part.

TUESDAY, May 18.

On motion by Mr. **SMITH**, the Committee on Finance were discharged from the consideration of the memorial of the banking institutions of Charleston, South Carolina, and the petition of the legal representatives of James Roddy; and also from the resolutions of the 12th of December, 8th January, and 18th February last.

Mr. **BARTON**, from the Committee on Public Lands, to whom was referred the bill, entitled "An act enabling the claimants to lands within the State of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims," reported it with amendments, which were read, and ordered to be printed for the use of the Senate.

Mr. **DICKERSON**, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach," reported it without amendment.

Mr. **DICKERSON**, from the same committee, to whom was referred the petition of David Melville, made a report, which was read and considered; and, in concurrence therewith, the committee were discharged from the further consideration of the subject.

Mr. **DICKERSON**, from the same committee, to whom was referred the petition of James B. Fiske, and others, made a report, which was read and considered; and, in concurrence therewith, resolved, that the prayer of the petitioners ought not to be granted.

Mr. **BENTON** asked and obtained leave to bring in a bill to complete the survey of the southern and western boundary of the State of Missouri, which was twice read, by unanimous consent, and referred to the Committee on Public Lands.

Mr. **BROWN**, from the select Committee on Roads and Canals, to whom was referred the bill, entitled "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" and the bill, entitled "An act to authorize the Territory of Florida to open a canal through the public lands, to unite the river St. John's with the Bay of St. Augustine," reported them severally without amendment.

On motion by Mr. **BROWN**, the select Committee on Roads and Canals were discharged from the consideration of two resolutions of the 6th of January last.

The Senate proceeded to consider the motion of yesterday, requesting, at the next session, a report, showing the effect of the new tariff of duties on the revenue; and, on motion, it was laid on the table.

Mr. **VAN BUREN**, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to authorize the issuing letters patent to Nathaniel Sylvester," reported it without amendment.

The bill from the other House, "for the relief of the heirs of Miguel Eslava," and "to authorize the issuing of a register to the brig William, of New York," were severally taken up, as in Committee of the Whole. The bills were explained by the committees to whom they had been referred, and were reported to the Senate, and passed to be engrossed and read the third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed the 3d of March, 1815," and a bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes;" in which bills they request the concurrence of the Senate. The said bills were severally read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House have passed the resolution which originated in the Senate, "fixing the time for an adjournment of Congress," with an amendment.

They have passed bills of the following titles, viz:

"An act altering the time of holding the sessions of the Supreme Court;"

"An act providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes;" and,

"An act granting donations of land to certain actual settlers in the Territory of Florida;" in which amendment and bills they request the concurrence of the Senate.

The said bills were severally read twice, by unanimous consent; and the first mentioned bill was referred to the Committee on the Judiciary. The two last mentioned bills were severally referred to the Committee on Public Lands.

THE TARIFF.

The resolution of the House of Representatives, insisting on their disagreement to the two amendments made in the Senate, to the bill "to amend the several acts for imposing duties on imports," (the one of which was the insertion of a proviso, exempting low priced woollen goods from any higher duty than twenty-five per cent.; and the other, the striking out of the duty on cotton bagging,) and proposing the appointment of a Committee of Conference on the subject; was taken up for consideration.

Mr. **DICKERSON** moved that the Senate do now recede from the first of the contested amendments, respecting low priced woollens. This motion was advocated by the mover, and opposed by Messrs. **BARBOUR**, **HAYNE**, and **KING** of Alabama. Mr. **LOWRIE** submitted some remarks on the subject. Mr. **DICKERSON** withdrew his motion to recede, and the question was then taken upon concurring with the other House, in the appointment of a Committee of Conference, upon the points of difference between the two Houses. This was agreed to; and the President appointed Messrs. **LLOYD** of Massachusetts, **SMITH**, and **WILLIAMS**, a committee, on the part of the Senate, for that purpose. The Chair remarked that, in the selection of this committee, it had taken a member from each of the great sections of the country: one from the Northern, one from the Middle and Southern, and one from the Western, States.

On motion of Mr. **TALBOT**, it was ordered that the Committee of Conference have leave to sit during the sitting of the Senate.

JOHN H. PIATT.

The bill from the House of Representatives "for the relief of the assignees and legal representatives of John H. Piatt," was then taken up for consideration, in Committee of the Whole, Mr. **BARBOUR** in the Chair. The grounds of this claim were stated in the proceedings of the other House, upon the bill. A long discussion, touching the merits of the claim, took place. Mr. **VAN BUREN** stated the views which the Judiciary Committee entertained in relation to it. Messrs. **JOHNSON** of Kentucky, **RUGGLES**, **BROWN**, **NOBLE**, **VAN DYKE**, and **TALBOT**, advocated the allowance proposed in the bill; and Messrs. **EATON**, **SMITH**, and **CHANDLER**, opposed it. Messrs. **J. S. JOHNSTON** of Louisiana, and **LANMAN**, made some remarks upon the subject. Mr. **LANMAN** moved to reduce the sum, to be granted by the bill, from $63,000, to $42,000. This motion was opposed by Messrs. **BROWN** and **VAN BUREN**, and decided in the negative—yeas 12, nays 28, as follows:

YEAS—Messrs. Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Jackson, King of New York, Knight, Lanman, Macon, and Parrott.

NAYS—Messrs. Barbour, Barton, Brown, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, Lowrie, McIlvaine, Mills, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Ware.

The bill was then reported to the Senate. Mr. **BENTON** opposed its passage to a third reading, and moved that it be ordered to lie on the table. This motion was carried, and so the bill was laid on the table.

The Senate adjourned.

WEDNESDAY, May 19.

The resolution submitted on Monday last by Mr. **LLOYD**, of Massachusetts, "requesting the President of the United States to cause a report from the Secretary of the Treasury to be laid before the Senate at the commencement of the next session of Congress, showing the amount of duties which shall have accrued on importations into the United States for the three quarters of a year ending June 30, 1824; also, the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress," was again read for consideration. Mr. L. very briefly explained his views in its introduction; and the resolution was agreed to by the Senate.

Mr. **KING**, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting donations of land to certain actual settlers in the Territory of Florida," reported it without amendment.

The bill, entitled "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes," and the bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled 'An act further to provide for the collection of duties on imports and tonnage, passed the 3d of March, 1815," were severally read the second time, and referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for altering the time for holding the circuit court of the United States for the fourth circuit in the Maryland district;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. **KING**, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for a grant of land for the seat of government in the Territory of Florida, and for other purposes," reported it with amendments, which were read.

Mr. **EATON**, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the district of Jackson Courthouse, in the State of Mississippi, and in the district of St. Helena Courthouse, in the State of Louisiana," reported it without amendment.

Mr. **EATON** presented the memorial of Alexander Moore, and others, of Alexandria county, in the District of Columbia, praying that the bill before Congress, relating to the Levy Court of said county, may be suspended until the next session. The memorial was read, and referred to the Committee on the District of Columbia.

The bill from the House of Representatives, entitled "An act to authorize the issuing a register to the brig William, of New York," was read the third time.

Upon the passage of the last mentioned bill, there was some discussion, in which Messrs. **SMITH**, and **LLOYD**, of Massachusetts, advocated, and Messrs. **D'WOLF** and **PARROTT** opposed the bill. It was passed—yeas 32, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Clayton, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Johnson of Kentucky, Henry Johnson, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware.

NAYS—Messrs. Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Holmes of Mississippi, Jackson, J. S. Johnston, Noble, Palmer, Parrott, and Williams.

The bills from the other House for the relief of John K. Carter; for the relief of Landie Richardson; for the relief of Robert Strain; for the relief of the heirs of Miguel Eslava; were severally read the third time, and passed.

The bill from the House of Representatives, entitled "An act for the relief of Edward Evans," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the resolution, which originated in the Senate, "to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the said amendments. The House propose to strike out "300," the number of copies contemplated to be purchased, and to insert "630." After considerable discussion, the resolution and amendment were ordered to lie on the table.

On motion of Mr. **MACON**, the resolution, as it came from the House of Representatives, fixing the 27th instant for the adjournment of the present session of Congress, was taken up for consideration, and concurred in by the Senate.

The bill "to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dockyard, lighthouse, or other place, belonging to the United States," and the bill "to enable the President to carry into effect the treaty made at Ghent the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States, to American citizens," were severally read the third time, passed, and sent to the House of Representatives for concurrence. The title of the last mentioned bill was altered to the following: "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes."

MISSISSIPPI AND OHIO RIVERS.

On motion of Mr. **TALBOT**, the bill from the House of Representatives "to improve the navigation of the Ohio and Mississippi rivers," was taken up for consideration, in Committee of the Whole, Mr. **BARBOUR** in the Chair. Messrs. **BROWN** and **JOHNSON**, of Kentucky, explained the objects of this bill, and its importance to the Western States.

Mr. **JOHNSON**, of Kentucky, spoke as follows:

Mr. President, it is much to be regretted that want of time will prevent that full discussion of the merits of the bill under consideration, which the importance of the measure demands. The House of Representatives have carefully investigated the subject; and, after the most dispassionate deliberation, with a full knowledge of the fact before them, have passed the bill appropriating seventy-five thousand dollars for removing certain obstructions from the channels of the Ohio and Mississippi. It is an experiment to render more secure the navigation of these great rivers of the West, destined by nature to bear to the Atlantic States, and to the rest of the world, the rich treasures which are every day disclosing themselves of that extensive country. This decision of the popular branch of the National Legislature, in favor of an object of such magnitude, whether considered in relation to the interest of the West, or of the whole nation, is entitled to high consideration from the Senate; and, in its wisdom and magnanimity, to give it their cordial sanction, we repose a degree of confidence bordering upon certainty. If, however, we should be found mistaken in this expectation, if such opposition should appear against an appropriation so reasonable, and in which one-half of the States in the Union have a direct, and all a deep interest, as to force us into a discussion of the merits of the bill, we have the fullest confidence that the investigation must result in an entire conviction of the utility of the measure.

It should be borne in mind that the survey has been made by order of the Government. The commissioners, who had no other interest than what is common to every American, have made a faithful report, which is now before us; and it gives us a knowledge of the true cause, and of all the causes, which render our navigation dangerous. It is the opinion of the most scientific and experienced engineers, that these causes may be removed at an expense quite inconsiderable, compared with the advantages which would ensue. For the accomplishment of this object, we appeal to the magnanimity of the Government. It is but what justice demands. We only ask for a small proportion of that protection to our commerce which we have never refused to other parts of the United States.

It would require much time to detail the disastrous consequences which have resulted from those obstructions, both to the lives and property of our Western citizens. We have every year, and almost every week, detailed accounts of the losses sustained, with every description of craft which floats upon those waters, from the majestic steamboat down to the smallest flats, and even rafts, used for the conveyance to market of the surplus produce of our agricultural interest.

It will not be alleged against the citizens of the West that they have ever been wanting in patriotic devotion to the interest of the whole nation, in war or in peace. They have cheerfully contributed their full proportion, both of men and money, for the common defence. And in the protection of commerce upon the ocean, in which they have but an intermediate interest, they have made a common cause with their fellow-citizens of the East. In time of peace, they have never hesitated to co-operate in measures of general utility, regardless of sectional interests. It is needless to refer to the annual appropriations of this body for the security of the commerce of the ocean, whether for fortifications, lighthouses, or any other necessary work, because the West have cheerfully concurred in these measures. We claim no merit in the performance of a common duty, though our interest is not direct, because we deem the interest of every section common to the whole. This nation is one and indivisible; we have an identity of interest. The body politic, like that of one man, will guard with equal care every member, while patriotism is the predominant principle of the soul. Citizens of the East and the West have not refused to bleed for each other, and to mingle their ashes in one common urn. They have not hesitated to defend each other's rights, and to promote each other's convenience, as their own. In no case has this disposition been wanting to the West; and I will not now so far distrust the magnanimity of the East as to doubt their cheerful concurrence in the measure proposed by this bill. We call not for a sacrifice of lives to protect the commerce of the West, or we know it would instantly rouse to arms the whole host of gallant freemen from Maine to Georgia. But we ask for a small appropriation to remove from our waters obstructions more formidable to our navigation, and more dreaded by the brave, than a host of invaders. Uninterrupted, they are dangerous; but, attempt their removal, and we shall find them harmless foes. The object is national, though more immediately affecting the interests of the West. If beacons, warning, would admonish the navigators of the danger, more than double the amount would be cheerfully appropriated for lighthouses upon the banks of those rivers; but the novelty of the mode of effecting the same object should be no objection to the principle; and I am happy in the belief that the same magnanimity which has uniformly characterized the decisions of this body will prevail on this occasion, and that gentlemen from the East will exercise that justice and liberality which they have always received from the West.

But I find I am transcending the limits which I had prescribed to myself. It was my determination not to go into the merits of the question, believing it to be unnecessary. Presuming that the Senate are possessed of all the information necessary to form an opinion; and that a disposition prevails to extend to the West the same liberality which has already been extended to every other part of the Union, to their decision it is cheerfully submitted.

Mr. BENTON moved to amend the bill, by inserting the following words: "and of the Missouri river, in the State of Missouri." This amendment was agreed to.

The bill was then reported to the Senate, as amended. Messrs. NOBLE and TALBOT opposed the amendment agreed to in Committee of the Whole: and Mr. BENTON spoke in favor of it. The amendment was not concurred in.

Mr. CHANDLER then moved to amend the bill, by inserting the following clause; "and, also, for removing the sand bars, and other obstructions, from the Kennebec river, between Norridgewock and Gardiner, in the State of Maine; and, likewise, from the Penobscot river."

In introducing this amendment, Mr. C. said, that his object was to ascertain whether gentlemen, who were in favor of internal improvements, were disposed to distribute the advantages of those improvements with any degree of equality. Even if the amendment which he had proposed should be adopted, he should still feel compelled to give his vote against the bill; believing, as he did, that Congress had no Constitutional power for thus disposing of the public money—but if it did pass, he wished his constituents to receive their due proportion of the expenditure.

This amendment was opposed by Messrs. RUGGLES, H. JOHNSON, of Louisiana, BROWN, and TALBOT.—Messrs. TAYLOR, of Virginia, HOLMES, of Maine, and MACON, opposed the bill on general principles; and were replied to, by Messrs. TAL-

BOT, BENTON, and LOWRIE. Mr. CHANDLER'S amendment was rejected.

Mr. BRANCH proposed, as an amendment, a new section, appropriating $500,000 for opening a direct communication from Albemarle Sound to the Atlantic Ocean, and for removing the obstructions from the channel that connects Albemarle Sound with the Pamlico. Mr. BRANCH made some remarks in favor of this amendment. It was lost.

Mr. LOWRIE proposed an amendment, not affecting the principle of the bill, which was adopted.

The question was then put, upon passing the bill to a third reading; and determined in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Findlay, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, Kelly, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Parrott, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

NAYS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, King of Alabama, King of New York, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—20.

So the bill passed to a third reading.

THE TARIFF.

Mr. LLOYD, of Massachusetts, from the committee appointed to confer with a committee on the part of the House of Representatives on the subject of the disagreement of the two Houses, in relation to two amendments to the bill "to amend the several acts for imposing duties on imports," submitted a report, in which is recommended the adoption of the following proposition:

1. That the House of Representatives do recede from its disagreement to the third amendment of the Senate, and do agree to the same with the following amendment: after the word "wool," where it first occurs in the proviso, strike out the words, "or of which wool shall be a component part," and insert "except flannels and baizes."

2. That the Senate do recede from so much of its sixteenth amendment, in reference to the specific duty on cotton bagging, as is disagreed to by the House of Representatives; and that the clause be modified, so as to read, "on cotton bagging, three cents and three-fourths of a cent per square yard."

This report was accepted by the Senate without division. By the first proposition the proviso in question is left as follows: "*Provided*, That on all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem." Articles of which wool is a component part, together with flannels and baizes, are thus made subject to the same duties as are imposed by the bill on other manufactures of wool. By the second proposition the specific duty of four and a half cents per square yard on cotton bagging, as it originally stood in the bill, is reduced to three cents and three-fourths of a cent.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819;" and, on motion, the Senate adjourned.

THURSDAY, May 20.

The VICE PRESIDENT, in a few brief remarks in which he expressed his sense of the kind and courteous treatment which he had experienced from the members, collectively and individually, signified to the Senate that he should not preside over the body, during the present session, after this day. He then called upon Mr. GAILLARD, to whom he relinquished the Chair.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the memorial of A. B. Woodward, proposing a standard of measure for the United States, made a report; which was read and considered; and, in concurrence therewith, the committee were discharged from the further consideration of the subject.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the memorial of Thomas Robinson reported a bill for the relief of the legal representative of Thomas Robinson, deceased; which was twice read, by unanimous consent.

Mr. VAN BUREN, from the same committee, to whom was referred the bill entitled "An act for altering the time for holding the circuit court of the United States, for the fourth circuit, in the Maryland district," reported it without amendment.

The resolution authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargé d'Affaires of the United States, at foreign Courts, was read the second time.

A message from the House of Representatives informed the Senate that the House disagree to the amendment of the Senate to the bill, entitled "An act for the relief of J. Ottremare." They have passed bills of the following titles, viz: "An act to alter the judicial districts of Virginia, and for other purposes;" "An act to alter the times of holding the circuit and district courts of the United States, for the district of South Carolina;" and "An act to amend an act, entitled 'An act to amend an act for the establishment of a territorial government in Florida, and for other purposes;" in which they request the concurrence of the Senate.

FIVE MILLIONS NEW STOCK.

The bill from the House of Representatives, "to 'provide for the issuing of stock, not exceeding 'five millions of dollars, to meet the awards of the 'commissioners under the Treaty with Spain, of 'February 22d, 1819," was taken up for consideration, as in Committee of the Whole.

Mr. SMITH explained, at some length, the objects contemplated by this bill, and the obligation of the Government to meet the awards of this commission.

Mr. **BENTON** was opposed to the bill; and proposed an entire new bill, making the amount of the awards of the commissioners payable, to a sum not exceeding five millions of dollars, in money, from the Treasury; or, if there should not be so large a sum on hand, unappropriated to other purposes, that certificates of stock should be issued, payable, with interest of six per cent. from the proceeds of the lands ceded, by the said treaty, to the United States; or payable in such other way as Congress may hereafter determine. Mr. B. proceeded to support his amendment, as the least onerous mode of discharging the debt.

Mr. **LOWRIE** agreed to the construction put upon the treaty by the gentleman from Missouri; but he believed that justice to the claimants demanded that the Government should adopt other means to meet the awards under that commission than from the proceeds of the lands. Mr. L. proceeded to an exposition of the reasons which induced this opinion. He was opposed to the amendment, and in favor of the original bill.

Mr. **HOLMES**, of Maine, also supported the bill as it came from the other House. He replied to the remarks of Mr. **BENTON**.

Mr. **BROWN** spoke in favor of the amendment, as one of the best modes of payment that could be adopted by the Government; and as furnishing to the claimants a greater remuneration for their losses than they could ever have obtained from Spain, without the intervention of this Governmen .

Mr. **KELLY** considered the mode proposed by the gentleman from Missouri, of creating a stock, payable from the proceeds of the lands, as the worst that could be adopted, both as to its injustice towards the claimants under the treaty, and the deplorable effects it would produce upon that part of the country in which the lands are located.

Mr. **TALBOT** opposed the amendment. He believed the faith of the Government pledged for the payment of the interest annually and regularly, from the Treasury, let the stock be issued as it might. There was no other alternative, than to pay the money immediately, or to create a stock, drawing interest annually. He considered the original bill as a provision to borrow the money at 4½ per cent. and pay it to the claimants, rather than to pay them six per cent. as the Government would otherwise be bound to do.

Mr. **FINDLAY** was in favor of adopting the first section of the proposed amendment. He preferred the immediate payment of the money, to the creation of stock, upon which interest must be paid.

Mr. **BARBOUR** considered the United States as standing bound for the payment of five millions of dollars, to these claimants. He admitted that the payment of the principal sum might be based upon the sales of the lands, but denied that the payment of the interest was referrible to the same source.

The question was then put upon striking out the original bill, and decided in the negative. So Mr. **BENTON**'s amendment was lost.

The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

FRIDAY, May 21.

The **VICE PRESIDENT** not being present, the Senate was called to order by the Secretary. On motion of Mr. **HOLMES**, of Maine, the Senate proceeded to ballot for a President *pro tempore*.

The whole number of votes given in was 35; necessary to a choice 18.

The honorable **JOHN GAILLARD** had 23 votes, and was declared to have been elected President *pro tempore*. Mr. **GAILLARD** immediately took the Chair, and expressed to the Senate, in a very neat and appropriate speech, his sense of the high honor conferred upon him.

The three bills from the House of Representatives yesterday brought up for concurrence were severally read twice by unanimous consent, and referred to the Committee on the Judiciary.

Mr. **RUGGLES**, from the Committee of Claims, to whom was referred the bill for the relief of Nimrod Farrow and Richard Harris, reported it without amendment.

Mr. **VAN BUREN**, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to alter the times of holding the circuit and district courts of the United States for the district of South Carolina," reported it without amendment.

Mr. **DICKERSON**, from the joint committee appointed on the distribution of the rooms in the centre building of the Capitol, made a report, accompanied by a resolution assigning to the Senate and House of Representatives the rooms in the centre of the Capitol. The resolution was twice read, by unanimous consent.

Mr. **MILLS**, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of John Mitchell," reported it without amendment.

On motion, by Mr. **HAYNE**, the Committee on Naval Affairs were discharged from the consideration of the petition of Peter Trezevant; and it was referred to the Fourth Auditor of the Treasury.

The Senate proceeded to consider their amendment to the bill, entitled "An act for the relief of J. Ottremare," disagreed to by the House of Representatives, and receded therefrom.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of the assignees and legal representatives of John H. Piatt;" and no amendment having been made thereto, it was reported to the Senate, and ordered to a third reading—yeas 25, nays 15, as follows:

YEAS—Messrs. Barbour, Barton, Brown, D'Wolf, Edwards, Findlay, Gaillard, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Lowrie, McIlvaine, Mills, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren, Van Dyke, and Ware.

Nays—Messrs. Bell, Benton, Branch, Chandler, Clayton, Eaton, Elliott, Hayne, King of Alabama, King of New York, Knight, Macon, Palmer, Parrott, and Smith.

The bill from the House of Representatives, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," was read the third time, as amended, and passed.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing the subscription of stock in the Chesapeake and Delaware Canal Company; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the painting of the battle of New Orleans, by John Vanderlyn; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to sell and dispose of the refuse lands of the United States; and, on motion, it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act for the relief of the representatives of John Donnelson, Stephen Heard, and others," with an amendment. They have passed bills of the following titles, viz: "An act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan," and "An act to discontinue certain post roads, and to establish others;" in which amendment and bills they request the concurrence of the Senate.

The bill from the House of Representatives, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819," was read the third time and passed—yeas 31, nays 4, as follows:

Yeas—Messrs. Barbour, Barton, Bell, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, McIlvaine, Mills, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, and Thomas.

Nays—Messrs. Benton, Brown, Macon, and Noble.

On motion of Mr. Jackson, the bill from the House of Representatives "granting a tract of land for the seat of government of the Territory of Florida, and for other purposes," was taken up for consideration in Committee of the Whole. Mr. King, of Alabama, explained the objects of the bill. It was then reported to the Senate, without amendment, and passed to a third reading.

On motion of Mr. Lowrie, the Secretary of the Senate was directed to communicate to the President of the United States, and to the House of Representatives, that the Senate have, in the absence of the Vice President, elected the Hon. Mr. Gaillard President of the Senate, *pro tem.*

On motion of Mr. Van Buren, the bill reported by the Committee on the Judiciary, "in addition to an act, entitled "An act to establish an uniform system of naturalization," was taken up for consideration in Committee of the Whole. Mr. Van Buren stated the provisions of the different sections of the bill. Its principal provisions are, to authorize aliens, who were infants at the time of entering the country, to take the oaths and produce the necessary proofs of residence in the country for the requisite period, and to become citizens; and it also reduces the term of residence, prerequisite for an alien to become a citizen, from *five* to *three* years.

On motion of Mr. Holmes, of Maine, the provisions of the bill were limited to "free white persons."

Messrs. Findlay, Van Buren, Holmes of Maine, Mills, Elliott, H. Johnson of Louisiana, and Taylor of Virginia, discussed the propriety of the bill, in respect to its general principles, and to its details.

Mr. Taylor, of Virginia, moved to amend the bill, by striking out all but the first section, and inserting two other sections in lieu of the remainder of the bill. This motion was lost.

The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Public Lands "to establish a surveyor general's office in the Territory of Arkansas," was taken up for consideration, in Committee of the Whole. A communication on this subject from Governor Miller, of the Arkansas Territory, was read. Mr. Lowrie made some remarks in opposition to the establishment of the office proposed in this bill, which he considered unnecessary. He concluded by moving the indefinite postponement of the bill. Mr. Kelly replied in support of the bill. Mr. King, of Alabama, stated the reasons which would induce him to vote for postponement. Mr. Barton explained the views of the committee in relation to this bill.. The question was then put upon Mr. Lowrie's motion to postpone the bill indefinitely, and carried in the affirmative, without division.

The bill reported by the Committee on the District of Columbia "for the relief of the Columbian College, in the District of Columbia," was next taken up in Committee of the Whole. Mr. Barbour explained the reasons which induced the committee to report the bill. He reviewed the history and present situation of this institution, and urged the propriety of passing the bill. The bill makes a grant to the institution, for whose relief it is drawn, of certain property within the District of Columbia. Mr. Chandler opposed the bill. He did not consider this as a *national* institution; and, therefore, thought it not particularly entitled to the bounty of the Government. Mr. Johnson, of Kentucky, replied, in support of the claims of this seminary to the consideration of Congress. Mr. Noble also advocated the bill; and Messrs. Macon, and Taylor of Virginia, opposed it. Mr. Holmes, of Maine, made some inquiries on the subject, which were replied to by Mr. Barbour.

The bill was then reported to the Senate, without amendment, and refused a third reading—yeas 18, nays 20.

On motion of Mr. King, of Alabama, the bill from the House of Representatives "for the relief of George Fisher," was taken up for consideration in Committee of the Whole. The bill provides for the repayment of a sum of money paid for a tract of land which had been previously sold to another person. Mr. King, of Alabama, stated to the Senate the circumstances connected with the claim. He moved to amend the bill by increasing the amount to be granted. Mr. Chandler made a few remarks upon the subject, which were replied to by Messrs. King and Kelly. Mr. King's amendment was then agreed to, as was also another proposed by Mr. Kelly. The bill was then reported to the Senate, and passed to a third reading.

On motion of Mr. Benton, the Senate, as in Committee of the Whole, proceeded to consider the bill "to fix the western boundary line of the Territory of Arkansas." The report of the committee in relation to this subject was read. Mr. Benton explained the objects of the bill. Mr. Holmes, of Mississippi, offered a new section as an amendment, which was agreed to. The bill was then reported to the Senate, as amended, and passed to be engrossed, and read a third time.

The bill "to amend 'An act supplementary to an act, entitled an act to carry into effect the 9th article of the treaty with Spain, concluded the 22d of February, 1819," was next taken up for consideration. Messrs. Eaton, Jackson, and Lowrie, remarked briefly upon the effects to be produced by this bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The bill reported by the Committee on Indian Affairs "to extinguish Indian claims to lands in the State of Missouri," was then taken up for consideration in Committee of the Whole. Mr. Benton explained the merits of the bill. Some remarks were made upon it by Messrs. Lowrie, Chandler, King of New York, and Elliott. The bill was then reported to the Senate without amendment, and passed to be engrossed, and read the third time.

The joint resolution "authorizing the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers Plenipotentiary and Chargé d'Affaires, at foreign Governments," was taken up for consideration in Committee of the Whole, and reported to the Senate. Mr. King, of Alabama, opposed the passage of the resolution, and Mr. Lowrie made a few remarks in favor of it. It was then passed to be engrossed, and read the third time—17 to 13.

On motion of Mr. Ruggles, the bill "for the relief of Joseph Forrest," was taken up for consideration, in Committee of the Whole. Mr. Ruggles explained the merits of the claim. It is for the payment for the loss and detention of a vessel employed by the Government to carry provisions to the distressed colony of Caraccas, in South America. A discussion ensued upon the propriety of allowing this claim; in which Messrs. Eaton, Kelly, Holmes of Maine, Lloyd of Massachusetts, Talbot, Bell, and Van Dyke, took part. Mr. Ruggles moved to fill the blank in the bill, for the amount to be allowed, with $4,000. This sum was not agreed to. Mr. Eaton moved the sum of $2,136. This was agreed to. The bill was then reported to the Senate, passed to be engrossed, and read the third time.

Saturday, May 22.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom were referred the bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled "An act further to provide for the collection of the duties on imports and tonnage, passed the 3d of March, 1815;" and the bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," reported the former without amendment, and the latter with amendments; which were read.

The two bills from the House of Representatives, yesterday brought up for concurrence, were severally read twice, by unanimous consent; and, on motion, the bill, entitled "An act to continue certain post roads, and to establish others," was referred to the Committee on the Post Office and Post Roads.

The bill, entitled "An act to authorize the surveying and making of a road, from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, in the Territory of Michigan," was referred to the select Committee on Roads and Canals.

The Senate proceed to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of the representatives of John Donnelson, Stephen Heard, and others;" and agreed thereto.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. Van Buren, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes;" and the bill, entitled "An act to alter the judicial districts of Virginia, and for other purposes," reported them severally without amendment.

Mr. Benton, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana," reported it without amendment.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes;" and the bill, entitled "An act for the relief of Alexander McNair," with amendments to each. They have also passed bills of the following titles, viz:

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola; An act making further appropriations for the military service of the United States for the year 1824, and for other purposes; An act concerning pre-emption rights in the Territory of Arkansas; An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes; An act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol; An act making appropriations to carry into effect certain Indian treaties; An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions; An act to establish an additional land office in the State of Missouri; and An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty; in which amendments and bills they request the concurrence of the Senate.

Mr. King, of Alabama, from the Committee on Public Lands, reported a bill, "explanatory of an act, entitled an act to provide for the extinguishment of the debt due to the United States, from the purchasers of public lands, approved May 18, 1824." The bill was twice read.

The bills from the House of Representatives, "granting a tract of land for the seat of government of the Territory of Florida, and for other purposes;" "for the relief of the assignees and legal representatives of John H. Piatt;" and "for the relief of George Fisher," were severally read the third time, and passed.

The bills which originated in Senate, "in further addition to an act to establish an uniform system of naturalization;" "to amend an act, supplementary to an act, entitled an act to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d of February, 1819;" "to extinguish Indian claims to lands within the State of Missouri;" "for the relief of Joseph Forrest;" and the resolution authorizing the Secretary of State to furnish one copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargés des Affaires of the United States, at foreign Governments," were severally read the third time, passed, and sent to the House of Representatives for concurrence.

The bill which originated in Senate, "to fix the Western boundary line of the Territory of Arkansas," was read the third time. On motion of Mr. Lowrie, it was committed, after some discussion, to the Committee on Indian Affairs.

On motion of Mr. Benton, the bill reported by the Committee on Public Lands, "to complete the survey of the Southern and Western boundary lines of the State of Missouri," was taken up for consideration in Committee of the Whole. Mr. Barton, on behalf of the committee to whom the bill had been referred, stated its objects. It was then reported to the Senate, without amendment, and passed to be engrossed and read the third time.

On motion of Mr. Hayne, the bill from the House of Representatives, "altering the time of holding the circuit and district courts of the United States, within the State of South Carolina," was taken up for consideration in Committee of the Whole. It was reported to the Senate, without amendment, and passed to a third reading.

The bill reported by the Committee on the Judiciary, "for the relief of the legal representatives of Thomas Robertson, deceased," was taken up in Committee of the Whole. These petitioners pray to be relieved from the payment of the balance of a judgment recovered against their late father, General Robertson, as surety on a bond given in the year 1783, by a collector in the State where he resided, and who became a defaulter. These petitioners contend that there was a great remissness on the part of Government, in not calling the principal, on the bond, to account at the time it ought to have been done. Mr. Van Buren stated the grounds upon which the petitioners rested their prayer. The bill was then reported to the Senate, without amendment; and passed to be engrossed and read the third time.

The report of the joint committee on the distribution of the rooms in the centre building of the Capitol, was again read, and agreed to.

FARROW AND HARRIS.

The bill introduced, on leave, by Mr. Barbour, and reported by the Committee on Claims, "for the relief of Nimrod Farrow and Richard Harris," was taken up for consideration, as in Committee of the Whole. These petitioners claim remuneration for the loss and embarrassment sustained by them in consequence of the determination of the Government not to build the fort on Dauphin Island, for the erection of which a contract had been made with them. This claim had been referred to a commissioner to ascertain the damage done to the petitioners, by the failure, on the part of Government, to perfect the contract; and the bill proposes that, when the commissioner shall have reported the amount due them, that the money shall be paid, upon the approbation of the Secretary of War, without a further act of Congress on the subject; and that they shall be relieved from the operation of the judgments obtained against them, for the moneys advanced them by the Government, until the commissioner shall have rendered his opinion on the subject.

Mr. Ruggles, in behalf of the Committee on Claims, stated the facts connected with the case.

Messrs. Barbour, Lowrie, J. S. Johnston of Louisiana, Kelly, H. Johnson of Louisiana, and Taylor of Virginia, spoke in favor of the passage of the bill.

Mr. Chandler proposed an amendment to strike out a part of the bill; which was not agreed to.

Mr. King, of Alabama, opposed the bill on the grounds that the petitioners had not made such progress in their work as to authorize the belief that it would have been completed within the stipulated time had not the Government suspended the work; that the petitioners had transferred their contract to a third person; and that the ultimate decision of the amount to be allowed these petitioners, if any thing were to be allowed, ought not to be committed to any individuals, however high their standing might be, but that it ought to be decided upon by Congress.

These objections were particularly replied to, and obviated by Messrs. J. S. Johnston and Barbour.

The bill was then reported to the Senate, without amendment.

Mr. Bell moved to amend the bill, so as to provide that, on the decision of the commissioner, one-half the amount of damages awarded should be paid to the petitioners.

This motion was opposed by Mr. Mills, and disagreed to by the Senate.

The bill was then passed to be engrossed, and read the third time.

Monday, May 24.

On motion, by Mr. Dickerson, the Committee on Commerce and Manufactures were discharged from the several memorials for and against imposing duties on sales at auction; and also, from the memorial of the Chamber of Commerce of Philadelphia, praying for the construction of a harbor near the Capes of the Delaware.

Mr. Smith, from the Committee on Finance, to whom was referred the bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States," reported it without amendment.

On motion, by Mr. Edwards, William Eaton had leave to withdraw his petition and papers.

Mr. Eaton gave notice that, to-morrow, he would ask leave to bring in a resolution directing the Secretary to pay, out of the contingent fund of the Senate, one thousand dollars to Enrico Causici.

On motion, by Mr. Jackson, the Committee on Military Affairs were discharged from the consideration of the report of the Secretary of War, on the subject of arms furnished the United States by South Carolina.

Mr. Barton presented the memorial of John Ross and others, the Delegates of the Cherokee nation, stating that, from their advanced state of civilization, they have found it necessary to establish a more regular system of government, for the protection of the property, life, liberty, and the pursuit of happiness; that they have, accordingly, established legislative and judiciary branches of government, upon a plan, simple and comprehensible to the Cherokees. To support their government, they found it necessary to impose taxes on merchants and pedlars, in their nation. The power to impose this tax, under the treaties subsisting between them and the United States, has been disputed; and the Attorney General of the United States has given an opinion to the proper department against the right of the Cherokees to impose the tax; and, under that opinion, it has been intimated to the Delegates that a return of the taxes will be expected, and that they must refrain from the exercise of this power in future.

The Delegates, on behalf of the nation, appeal to Congress for relief against this decision, and present copies of the opinion of the Attorney General, and of an opinion of Judge White, of Tennessee, given on application, some years since.

The memorial and accompanying documents were referred to the Committee on Indian Affairs.

On motion, by Mr. Lanman, three members were added to the Committee on the Post Office and Post Roads, in place of Messrs. Knight, Johnson of Kentucky, and McIlvaine, absent; and Messrs. Thomas, Clayton, and Ware, were appointed.

On motion, by Mr. Holmes of Maine, a member was added to the Committee on the Judiciary, in place of Mr. Talbot, absent; and Mr. Van Dyke was appointed.

The nine bills last brought up from the House of Representatives for concurrence, were severally read twice, by unanimous consent; and, on motion, the bill, entitled "An act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol," was referred to the joint Library Committee.

The bill, entitled "An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola," was referred to the Committee on Commerce and Manufactures.

The bill, entitled "An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes," was referred to the Committee on the Judiciary.

The bill, entitled "An act making appropriations to carry into effect certain Indian treaties;" and the bill, entitled "An act making further appropriations for the military service of the United States, for the year 1824, and for other purposes," were severally referred to the Committee on Finance.

The bill, entitled "An act to establish an additional land office in the State of Missouri;" the bill, entitled "An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions;" the bill, entitled "An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty;" and the bill, entitled "An act concerning pre-emption rights in the Territory of Arkansas," were severally referred to the Committee on Public Lands.

Mr. Lloyd, of Massachusetts, submitted the following motions for consideration:

Resolved, That the Secretary of the Navy be directed to report to the Senate, at an early period of the ensuing session of Congress, such information as may be in the possession of the Department, or he may think proper to communicate, relative to the expediency of constructing, at one of the navy yards of the United States, a dry dock, of sufficient capacity for receiving, examining, and repairing, ships-of-the-line; and to report on the usefulness, economy, and necessity, of a dry dock; the best location therefor, and the probable expense of constructing such dry dock, of the size aforesaid, in a solid and durable manner, and with the needful appendages for an advantageous use of the same.

Resolved, That the Secretary of the Navy be directed to report to the Senate, at the commencement of the next session of Congress, a statement, showing the amount of travelling expenses, and other allowances, received by the officers of the Navy and of the marine corps, over the monthly pay and rations to which they are by law entitled, in each year, for the last three years; the emoluments which have been received in each year, for the same period, so far as the same can be ascertained, by the officers of the Navy and the marine corps, as well from the Government as from other sources, in consequence of their official stations; the expense of courts martial in the Navy and marine corps, in each year, for the same period, with the amount paid to Judge Advocates and others, for their attendance and services, designating the places at which such courts martial were ordered to be held, and the stations from which the officers composing the same were detailed to attend; the number of desertions from the marine corps, and the number of rank and file confined for imprisonment, as a punishment for desertion, or misconduct, for each year, during the same period; and, also, to report his opinion on such alterations, or further provisions of law, as he may consider it expedient to be made, in order to promote a more perfect discipline in the Navy and marine corps, to prevent the frequent recurrence of courts martial, and insure to the public service, in the said establishments, the highest degree of ecomomy and efficiency.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and a half per cent. for certain stocks bearing an interest of six per cent.;" "An act authorizing the employment of additional clerks and certain messengers and assistants, and other persons, in the several Departments;" "An act to establish Bowdoinham, in the State of Maine, Troy, and Hudson, in the State of New York, and Fairport, in the State of Ohio, ports of delivery;" and "An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;" in which they request the concurrence of the Senate.

The said bills were severally read twice, by unanimous consent; and on motion, the two first mentioned of said bills were referred to the Committee on Finance. The third mentioned of said bills was referred to the Committee on Commerce and Manufactures; and the fourth and last mentioned of said bills was referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Joseph M. White and William Davidson;" "An act to regulate the mode of practice in the courts of the United States for the district of Louisiana;" "An act for the relief of certain distillers in the United States;" in which bills they requested the concurrence of the Senate. The said bills were severally read twice, by unanimous consent; and on motion, the two first mentioned of said bills were referred to the Committee on the Judiciary. The third and last mentioned of said bills was referred to the Committee on Finance, to consider and report thereon.

The bill reported by the Committee on Public Lands, "explanatory to an act, entitled 'An act to provide for the extinguishment of the debt due to the United States from the purchasers of public lands," was taken up for consideration as in Committee of the Whole. Messrs. Lowrie and King of Alabama remarked upon the objects of the bill. It was reported to the Senate, and passed to be engrossed and read the third time.

The bill from the House of Representatives, "for the relief of Arthur N. Henly," was taken up for consideration in Committee of the Whole. Mr. Ruggles stated the grounds upon which the bill was founded. It was then reported to the Senate, and passed to a third reading.

On motion of Mr. Van Buren, the bill from the other House "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes," was taken up for consideration in Committee of the Whole. Mr. Van Buren explained the objects of the bill. Mr. Chandler made a remark in relation to it; and the bill was reported to the Senate without amendment. Mr. Edwards then commented briefly on the operation of the bill, and moved an amendment, respecting the designation of a resident Judge of the Court in Florida. This amendment was opposed by Messrs. Jackson, and H. Johnson, of Louisiana, and supported by Mr. Holmes, of Maine. Mr. Edwards withdrew his amendment to give place to another proposed by Mr. Van Buren. Mr. Kelly opposed the amendment, and was replied to by Messrs. Van Buren and King, of Alabama. The amendment was agreed to, and the bill was passed to a third reading.

On motion of Mr. Dickerson, the joint resolution providing a place of deposite, in the Library of Congress, for the Portrait of Columbus, presented to Congress by George G. Barrell, Esq.; and, also, for the distribution of sundry copies of the Declaration of Independence, was taken up for consideration in Committee of the Whole. After a few remarks on the subject, the resolution was reported to the Senate, and passed to be engrossed and read the third time.

Mr. Benton, from the Committee on Naval Affairs, to whom was referred the bill "to fix the western boundary line of the Territory of Arkansas, and for other purposes," reported the same with an amendment. The bill was taken up for consideration in Committee of the Whole. Mr. B. explained the effect of the amendment. The amendment was agreed to, and the bill was reported to the Senate, and passed to be engrossed and read the third time.

This being the last day of the session on which, according to a joint rule of the two Houses, any bill can pass from one House to the other, the following bills, which originated in Senate, and which had just passed to a third reading, were read a third time, by general consent, and passed, and sent to the House of Representatives for concurrence, viz: The bill "to fix the western boundary line of the Territory of Arkansas, and for other purposes;" the bill "explanatory of an act, entitled 'An act to provide for the extinguishment of the debt due to the United States from the purchasers of public lands;" and the resolution "providing a place of deposite for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence."

The amendments made by the House of Representatives, to the bill from the Senate, "to enable the President to hold treaties with certain Indian tribes, and for other purposes;" and, also, to the bill "for the relief of Alexander McNair," were considered and agreed to.

The bills which originated in Senate, "for the relief of Nimrod Farrow and Richard Harris;" "to complete the survey of the southern and western boundaries of the State of Missouri;" and "for the relief of the legal representatives of Thomas Robinson, deceased," were severally read the third time, passed, and sent to the other House for concurrence.

The bill from the House of Representatives, "to alter the time of holding the circuit and district courts of the United States, within the State of South Carolina," was read the third time, and passed.

The bill from the House of Representatives, "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes," was read the third time as amended in Senate, and passed, and sent to the other House for concurrence in the amendment.

The following bills from the House of Representatives were severally taken up for consideration in Committee of the Whole. They were explained, and some of them gave rise to short discussions. They were reported to the Senate, and passed to a third reading, viz: The bill "granting to each State and Territory, in which there are public lands, a right of pre-emption to a certain tract of land for a seat of government;" the bill "for the relief of John Holliday;" the bill "for the relief of Samuel Cleveland;" the bill "changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the Territory of Arkansas;" the bill "to authorize masters of vessels, in certain cases, to clear out either at the custom-house at Richmond or Petersburg;" the bill "to alter the judicial districts of Pennsylvania, and for other purposes;" the bill to "provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" the bill "for the relief of the corporation of the church of St. Anne, and for other purposes;" the bill "supplementary to an act to provide for the correction of errors made in entering land at the land offices;" the bill "to authorize the President to exchange five arpens of land on the south side of the public works at Baton Rouge, for an equal quantity of land on the north side of said works;" the bill "for the benefit of the Columbian Institute;" the bill "to allow a bounty to vessels engaged in the cod fisheries, in certain cases;" the bill "further to regulate the inspection of flour in the district of Alexandria;" the bill "to authorize the President to enter into certain negotiations relative to lands located under Virginia military land warrants, between Ludlow's and Roberts's grants, in the State of Ohio;" the bill "to regulate the fees of registers of wills, within the several counties of the District of Columbia;" the bill "making an appropriation towards the extinguishment of the title of the Quapaw Indians to lands in the Territory of Arkansas;" and the bill "granting certain lots of land to the corporation of the city of Mobile, and to certain individuals residing in said city."

The bill from the House of Representatives, supplementary to an act, entitled "An act to incorporate the inhabitants of the City of Washington," was taken up for consideration, in Committee of the Whole.

Mr. EATON moved to amend the bill, by adding several new sections.

Some remarks were made upon these amendments, by Messrs. SMITH, EATON, and BARBOUR. The amendments were severally agreed to. The bill was then reported to the Senate, as amended, and passed to a third reading.

Mr. BARBOUR then moved that the Committee on Foreign Relations be discharged from the further consideration of the petitions of a great number of individuals, praying relief from the Government for spoliations committed by the French. Mr. B. recalled to the recollection of the Senate, the fact, that information in relation to these claims had been required by a resolution of the Senate, from the Department of State; that the documents from which this information was to be obtained were very voluminous, and that it could not possibly be furnished at the present session of Congress. In this state of the business, the committee had directed him to make this motion. The committee was accordingly discharged.

On motion of Mr. BARBOUR, it was ordered that when the Senate does adjourn, it adjourn to meet again at five o'clock this afternoon.

At three o'clock, the Senate adjourned.

EVENING SESSION.

On motion of Mr. MILLS, the Senate proceeded, as in Committee of the Whole, to consider the bill from the other House "for the relief of John Mitchell," with an amendment reported by the Committee on Foreign Relations in the Senate. Mr. M. stated the grounds of this bill. The petitioner was agent for prisoners of war at Halifax during the late war. He claims to be remunerated for certain extraordinary expenses incurred, and to be exempted from the payment of a draft which he drew entirely on account of the Government, and the amount of which was lost by the failure of the person in whose favor it was drawn, through the remissness of other agents of the Government. Mr. M. detailed the circumstances connected with this case, and spoke of the services which Mr. Mitchell had rendered to the Government during the Revolutionary war. The amendment reported by the Committee on Foreign Relations was agreed to.

Mr. Chandler made a few remarks upon this claim, and was replied to by Messrs. Mills, Barbour, and Lloyd of Massachusetts. The bill was then reported to the Senate, as amended, and passed to a third reading.

The bills from the House of Representatives, "to allow further time for the issuing and locating of military land warrants," and "providing for the disposition of three several tracts of land, in the county of Tuscarawas, in the State of Louisiana, and for other purposes," were severally taken up for consideration in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The bill from the other House, "for the relief of Samuel Rist," was taken up for consideration in Committee of the Whole. Mr. Noble stated the grounds of this claim. It is for a pension, in a case where the testimony was considered insufficient at the War Department. Mr. N. moved the indefinite postponement of the bill; which was carried without division.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," with amendments. They have passed bills of the following titles, viz: An act concerning wrecks on the coast of Florida; An act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hóndo and the Sabine river; and An act granting to the corporation of Tuscaloosa certain lots and privileges over the reservations and commons in said town; in which amendments and bills they request the concurrence of the Senate. The said three bills were severally twice read, by unanimous consent; and on motion, the first mentioned of said bills was referred to the Committee on Finance. The two last mentioned of said bills were referred to the Committee on Public Lands.

The amendments made by the House of Representatives to the bill from the Senate "for ascertaining and adjusting claims to lands in the St. Helena and Jackson Courthouse land districts, in the State of Louisiana," were taken up; and, after some discussion between Messrs. Eaton, King of Alabama, H. Johnson of Louisiana, Chandler, Lowrie, and J. S. Johnston of Louisiana, the amendments were severally concurred in.

Mr. Seymour, from the Committee on the Contingent Fund, reported sundry resolutions for the payment of the assistants employed by the Sergeant-at-Arms of the Senate. The resolutions were twice read.

Tuesday, May 25.

The several bills from the other House yesterday referred to the standing committees of the Senate, were reported by those committees.

In pursuance of notice given yesterday, Mr. Eaton asked leave to introduce a resolution, directing the Secretary of the Senate to pay, from the contingent fund, to the artist, [Enrico Causici,] employed in constructing an allegorical ornament for a clock for the Senate, the further sum of $1000, to enable him to proceed in the work. Leave was accordingly granted; the resolution was read, and passed to a second reading.

The resolutions submitted yesterday by Mr. Lloyd, of Massachusetts, respecting the expediency, the location, and the probable expense of constructing a dry dock at one of the navy yards of the United States; and, also, relative to the pay, emoluments, and other allowances, of the officers of the Navy and Marine Corps, the expenses of courts martial in that Department, the number of desertions, &c., and requiring of the Secretary of the Navy, "his opinion on such alterations, or 'further provisions of law, as he may consider it 'expedient to make, in order to promote a more 'perfect discipline in the Navy and Marine Corps, 'to prevent the frequent recurrence of courts martial, and insure to the public service, in the said 'establishments, the highest degree of economy 'and efficiency," were again read for consideration. Mr. Lloyd made a few remarks explanatory of his object in the introduction of the resolutions, and they were agreed to by the Senate without division.

On motion of Mr. Benton, the Committee on Indian Affairs was discharged from the further consideration of its unfinished business.

The following bills from the House of Representatives were severally taken up for consideration, in Committee of the Whole; were explained by the several committees to which they had been referred; the merits of some of them were discussed, and some were partially amended. They were reported to the Senate, and passed to a third reading, viz: The bill "to revive and extend the term of certain pensions which have expired by limitation;" the bill "to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" the bill "making appropriation for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach;" the bill "to authorize the issuing of letters patent to Henry Sylvester;" the bill "granting donations of lands to certain actual settlers within the Territory of Florida;" the bill "to alter the time of holding the circuit court of the United States for the fourth circuit in the Maryland district;" the bill "appropriating a certain sum of money for the benefit of Benjamin Huffman;" the bill "to alter the judicial districts of Virginia, and for other purposes;" the bill "to authorize the building of lighthouses, beacons, and light vessels, and for other purposes;" the bill "authorizing the employment of additional clerks and assistants in the different Departments;" and the bill "to authorize the Secretary of the Treasury to exchange a stock bearing five per cent. interest, for certain stocks bearing an interest of six per cent."

Mr. VAN BUREN, from the Committee on the Judiciary, reported the bill, entitled "An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes," without amendment.

The Senate proceeded to consider the motion of yesterday, directing the Secretary of the Navy to report to the Senate a statement of the allowances for travelling expenses, and the emoluments of the officers of the Navy, and agreed thereto.

On motion, by Mr. BROWN, the select Committee on Roads and Canals were discharged from the resolution of the General Assemby of Indiana, relative to a national road from Wheeling to the Mississippi river; and also from the resolution of the Senate of the 5th January last.

On motion, by Mr. RUGGLES, the Committee of Claims were discharged from the consideration of the several petitions and memorials which have been referred to them, and not reported upon.

On motion, by Mr. RUGGLES, Daniel Brown had leave to withdraw his petition and papers.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the 4th of May, 1822, with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;" and no amendment having been made, it was reported to the Senate; and, on the question, "Shall this bill pass to a third reading?" it was determined in the affirmative—yeas 24, nays 4, as follows:

YEAS—Messrs. Bell, Benton, Brown, Clayton, Dickerson, Edwards, Gaillard, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, Macon, Noble, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, and Van Dyke.

NAYS—Messrs. Barton, Chandler, Eaton, and Taylor of Virginia.

The bill from the House of Representatives, "to authorize the legal representatives of the Marquis de Maison Rouge to commence an action in the courts of the United States, to try the validity of his title to lands, the claim to which is disputed by the United States," was taken up for consideration in Committee of the Whole. After a discussion of considerable length, in which Messrs. VAN DYKE, DICKERSON, H. JOHNSON, of Louisiana, VAN BUREN, J. S. JOHNSTON of Louisiana, KING of Alabama, LOWRIE, and BROWN, took part, the bill was refused a third reading, 14 in favor of, and 12 against it, as follows:

YEAS—Messrs. Benton, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Noble, Ruggles, Seymour, Smith, Thomas, Van Buren, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, Clayton, Dickerson, Eaton, Edwards, Gaillard, Holmes of Maine, Lanman, Lloyd of Massachusetts, Macon, Parrott, and Van Dyke.

So the bill was rejected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, concerning two resolutions of the Senate of the 8th of January and 1st of March last, which had been referred to him.

JAMES MONROE.

WASHINGTON, *May* 25, 1824.

The Message and report were read.

The bill from the other House "to enable the claimants to lands within the State of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," was taken up for consideration in Committee of the Whole. Considerable discussion took place on the details of the bill between Messrs. BARTON, LANMAN, LOWRIE, CHANDLER, KELLY, DICKERSON, KING of Alabama, and J. S. JOHNSTON of Louisiana. Mr. LOWRIE moved to amend the bill so as to limit its operation to claims not exceeding one league square, which was agreed to. The bill was then reported to the Senate. Mr. LANMAN moved its indefinite postponement This motion was opposed by Mr. BENTON, and was not carried. The bill was then passed to a third reading.

The bill from the other House "to authorize the Territory of Florida to open a canal through the public lands, from the river St. John's to the bay of St. Augustine," was taken up for consideration in Committee of the Whole. Messrs. SMITH, LOWRIE, KING of Alabama, BROWN, and CHANDLER, made some remarks on the subject. Mr. LOWRIE moved the indefinite postponement of the bill, which motion was carried.

The bill from the other House "granting a right of pre-emption to certain actual settlers in that part of the State of Mississippi included in Jackson Courthouse land district, and in that part of the State of Louisiana included in the St. Helena land district," was taken up, and after being discussed by Messrs. LOWRIE, KING of Alabama, and H. JOHNSON of Louisiana, was, on motion of Mr. LOWRIE, indefinitely postponed.

The bill from the other House "to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of an act, entitled 'An act to provide for the collection of duties on imports and tonnage," was taken up for consideration in Committee of the Whole. Mr. **DICKERSON** explained the reasons for bringing forward this bill. Its passage was opposed by Messrs. **TAYLOR** of Virginia, and **HOLMES** of Maine; and on motion of the latter member, the bill was ordered to lie on the table.

The following bills from the House of Representatives, and which had been amended in Senate, were severally read the third time, passed, and sent back to the other House for concurrence in the amendments, viz: The bills supplementary to an act, entitled "An act to provide for the correction of errors made in entering lands at the several land offices; changing the mode of surveying the public lands on any river, lake, bayou, or water course; supplementary to an act, entitled an act to incorporate the city of Washington, passed 15th May, 1820, and for other purposes; for the relief of John Mitchell; and to authorize masters of vessels, in certain cases, to clear either at the custom-house at Richmond, or that at Petersburg.

The amendments made by the House of Representatives to the bill from the Senate, explanatory of "An act to provide payment to the volunteers who lost horses in the Seminole war," were read, and agreed to.

On motion of Mr. **DICKERSON**, it was ordered that when the Senate does adjourn, it adjourn to meet again at six o'clock.

At a quarter before five the Senate adjourned.

Six o'clock in the Evening.

The following bills, from the House of Representatives, were severally taken up for consideration, as in Committee of the Whole. Their objects and intentions were stated, by members of the standing committees to which they had been referred. The bills were reported to the Senate, and passed to a third reading, viz: The bill "for the relief of certain distillers, within the United States;" the bill "making appropriations to carry into effect certain treaties;" the bill "making appropriations for the military service of the United States, for the year 1824;" the bill "to regulate the mode of practice in the courts of the United States, within the State of Louisiana;" the bill "reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of another tract of land reserved to them by treaty;" the bill "for the relief of Joseph M. White and William Davidson;" the bill "concerning the pre-emption rights in the Territory of Arkansas;" the bill "to establish an additional land office in the State of Missouri;" the bill "granting a tract of land to the inhabitants of the Parish of Point Coupee, in the State of Louisiana, for certain purposes;" the bill "granting a tract of land to the inhabitants of the Parish of Baton Rouge;" the bill "supplementary to an act providing for the examining of claims to lands situated in that part of the State of Louisiana, lying between the Rio Hondo and the Sabine river;" the bill "granting to the town of Tuscaloosa certain lots of land;" the bill "concerning wrecks on the coast of Florida;" the bill "authorizing an appropriation for the Library of Congress;" the bill "to allow salaries to the collectors of the ports of Nantucket and Pensacola, and to abolish the office of surveyor at Pensacola;" the bill "to confer certain powers on the Levy Court of Alexandria, and for other purposes."

On motion of Mr. **LANMAN**, the Committee on the Post Office and Post Roads was discharged from the further consideration of sundry petitions, the object of which, he said, had been answered in the general bill, now before Congress, respecting the post offices and post roads.

The bill, from the House of Representatives, "to discontinue certain post offices, and to establish others," was taken up for consideration, in Committee of the Whole. Mr. **LANMAN** stated, that he had been directed, by the Committee on the Post Office and Post Roads, to move the indefinite postponement of this bill—he, accordingly, made that motion. It was carried—20 to 6.

The bill, from the House of Representatives, "to establish Bowdoinham, in the State of Maine; Troy, in the State of New York; and Fairport, in the State of Ohio, as ports of delivery," was taken up for consideration. On motion of Mr. **HOLMES**, of Maine, it was postponed indefinitely.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;" and, no amendment having been made, it was reported to the Senate; and on the question, "Shall this bill be read a third time?" it was determined in the affirmative—yeas 20, nays 8, as follows:

YEAS—Messrs. Barton, Benton, Brown, Dickerson, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, J. S. Johnston, Kelly, Lanman, Lloyd of Massachusetts, Noble, Parrott, Ruggles, Seymour, Smith, Taylor of Indiana, Thomas, and Williams.

NAYS—Messrs. Bell, Chandler, Clayton, Eaton, Edwards, King of Alabama, Lowrie, and Macon.

The Senate proceeded to consider, as in Committee of the Whole, the resolutions to compensate the messengers to the Senate; and, on motion, they were postponed until to-morrow; and the Senate adjourned, at half past nine o'clock.

WEDNESDAY, May 26.

On motion of Mr. **LLOYD**, of Massachusetts, the rule which provides that no bill shall receive a third reading before twelve o'clock, was rescinded.

Mr. **NOBLE** moved that the resolution providing for the purchase of a certain number of copies of the Journals of Congress, from 1774 to 1788, be now taken up for consideration. This motion was supported by the mover, and Mr. **TAYLOR**, of Virginia; and opposed by Messrs. **BROWN** and **HOLMES**, of Maine. The Senate refused to take up the resolution—12 in the affirmative; 13 in the negative.

The bill, entitled "An act making further appropriations for the military service of the United States, for the year 1824," was read the third time as amended, and passed.

The bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," was read the third time as amended, and passed.

The bill, entitled "An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments," was read the third time as amended; and the bill was further amended, by unanimous consent, and passed.

The bill, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims," was read the third time as amended, and passed.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act for the relief of John Mitchell," with an amendment; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to their amendments to the bill, entitled "An act for the relief of John Mitchell," and concurred therein.

The forty-three following bills from the House of Representatives, viz:

An act to alter the judicial districts of Pennsylvania, and for other purposes;

An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;

An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;

An act to regulate the fees of the register of wills, in the several counties within the District of Columbia;

An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;

An act making an appropriation towards the extinguishment of the Quaupau title to lands in the Territory of Arkansas;

An act for the relief of Arthur N. Henly;

An act for the relief of John Holliday;

An act for the benefit of the Columbian Institute;

An act to allow further time to complete the issuing and locating military land warrants;

An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice, within the same;

An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes;

An act for the relief of Samuel Cleveland, junior;

An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;

An act to authorize the President to exchange five arpens of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;

An act to authorize the President of the United States to enter into certain negotiations, relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio;

An act further to regulate the inspection of flour in the county of Alexandria;

An act to revive and extend the term of certain pensions, which have expired by limitation;

An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;

An act to authorize the issuing of letters patent to Nathaniel Sylvester;

An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach;

An act granting donations of land to certain actual settlers in the Territory of Florida;

An act for altering the time for holding the circuit court of the United States, for the fourth circuit in the Maryland district;

An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana;

An act to alter the judicial districts of Virginia, and for other purposes;

An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;

An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of five per cent. for certain stocks bearing an interest of six per cent.;

An act making appropriations to carry into effect certain Indian treaties;

An act for the relief of certain distillers in the United States;

An act to regulate the mode of practice in the courts of the United States, for the district of Louisiana;

An act for the relief of Joseph M. White and William Davidson;

An act concerning pre-emption rights in the Territory of Arkansas;

An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions;

An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;

An act supplementary to an act providing for the examination of titles to land, in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;

An act granting to the corporation of the town of Tuscaloosa certain lots, and privileges over the reservations and commons in said town;

An act concerning wrecks on the coast of Florida;

An act to authorize the surveying and making of a road, from a point in the northwestern boundary of the State of Ohio, near the foot of the

Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the district of Pensacola;

An act authorizing an appropriation for the use of the Library of Congress;

An act to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes;

An act to establish an additional land office in the State of Missouri; and

An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty, were severally read a third time, and passed.

The several resolutions heretofore reported by the Committee on the Contingent Fund, providing payment for the assistants employed by the Sergeant-at-Arms to the Senate, were taken up for consideration, and agreed to.

The resolution introduced on leave, yesterday, by Mr. EATON, directing the Secretary of the Senate to pay, from the contingent fund, to the artist employed in constructing an allegorical ornament for a clock for the Senate, the further sum of $1000, to enable him to proceed in the work, was again read for consideration.

Some remarks on the subject were submitted by Messrs. EATON, MACON, LANMAN, VAN DYKE, HOLMES, of Maine, TAYLOR, of Virginia, and SMITH; and the resolution was refused a third reading.

A message from the House of Representatives informed the Senate that the House concur in all the amendments of the Senate to the bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," except the first, second, fourth, and fifth; to which they disagree.

The Senate proceeded to consider their amendments to the last mentioned bill, disagreed to by the House of Representatives and receded therefrom.

After the consideration of Executive business, the Senate adjourned to 7 o'clock, P. M.

Seven o'clock in the Evening.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of all subjects referred to them and not reported upon.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

After the consideration of Executive business, the Senate adjourned to eight o'clock to-morrow morning.

THURSDAY, May 27.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him, that, unless he may have any further communication to make, they are ready to adjourn; in which they request the concurrence of the Senate.

The Senate proceeded to consider the said resolution, and concurred therein; and Messrs. SMITH and MACON were appointed the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn.

After the consideration of Executive business, the PRESIDENT adjourned the Senate *sine die.*

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

MONDAY, December 1, 1823.

At 12 o'clock, precisely, the Clerk called the House to order, and, the roll being called, the following members of the House of Representatives appeared and took their seats, to wit:

From Maine.—William Burleigh, Joshua Cushman, Ebenezer Herrick, David Kidder, Enoch Lincoln, and Jeremiah O'Brien.

From New Hampshire.—Matthew Harvey, Arthur Livermore, Aaron Matson, William Plumer, Jr., and Thomas Whipple, Jr.

From Massachusetts.—Samuel C. Allen, John Bailey, Francis Baylies, Benjamin W. Crowninshield, Henry W. Dwight, Timothy Fuller, Aaron Hobart, Samuel Lathrop, John Locke, Jeremiah Nelson, John Reed, Jonas Sibley, and Daniel Webster.

From Rhode Island.—Job Durfee, and Samuel Eddy.

From Connecticut.—Noyes Barber, Samuel A. Foot, Ansel Sterling, Ebenezer Stoddard, Gideon Tomlinson, and Lemuel Whitman.

From Vermont.—William C. Bradley, Daniel A. A. Buck, Samuel C. Crafts, Rollin C. Mallary, and Charles Rich.

From New York.—John W. Cady, Churchill C. Cambreleng, Lot Clark, Ela Collins, Hector Craig, Rowland Day, Justin Dwinell, Lewis Eaton, Charles A. Foote, Joel Frost, Moses Hayden, James L. Hogeboom, Lemuel Jenkins, Elisha Litchfield, Dudley Marvin, Henry C. Martindale, John Richards, Robert R. Rose, Peter Sharpe, Henry R. Storrs, James Strong, John W. Taylor, Egbert Ten Eyck, Jacob Tyson, William Van Wyck, Stephen Van Rensselaer, Isaac Williams, Isaac Wilson, Silas Wood, and William Woods.

From New Jersey.—George Cassedy, Lewis Condict, Daniel Garrison, George Holcombe, James Matlack, and Samuel Swan.

From Pennsylvania.—James Allison, Samuel Breck, John Brown, James Buchanan, Samuel Edwards, William Cox Ellis, Patrick Farrelly, John Findlay, Walter Forward, Robert Harris, Joseph Hemphill, Samuel D. Ingham, George Kremer, Samuel McKean, James S. Mitchell, Thomas Patterson, George Plumer, Thomas J. Rogers, John Tod, Daniel Udree, Isaac Wayne, and James Wilson.

From Delaware.—Louis McLane.

From Maryland.—William Hayward, Jr., Joseph Kent, John Lee, Peter Little, Isaac McKim, and George E. Mitchell.

From Virginia.—Mark Alexander, William S. Archer, William Lee Ball, Philip P. Barbour, John S. Barbour, Robert S. Garnett, Joseph Johnson, Jabez Leftwich, William McCoy, Charles F. Mercer, Thomas Newton, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, James Stephenson, George Tucker, and Jared Williams.

From North Carolina.—Henry Conner, John Culpepper, Weldon N. Edwards, Alfred M. Gatlin, Charles Hooks, John Long, Willie P. Mangum, Romulus M. Saunders, Richard D. Spaight, Robert B. Vance, and Lewis Williams.

From South Carolina.—Robert Campbell, Joseph Gist, James Hamilton, Jr., George McDuffie, Joel R. Poinsett, Starling Tucker, and John Wilson.

From Georgia.—Joel Abbot, George Cary, Thomas W. Cobb, Alfred Cuthbert, John Forsyth, and Wiley Thompson.

From Kentucky.—Richard A. Buckner, Henry Clay, Robert P. Henry, Francis Johnson, John T. Johnson, Robert P. Letcher, Thomas P. Moore, Philip Thompson, David Trimble, David White, and Charles A. Wickliffe.

From Tennessee.—Adam R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isacks, James B. Reynolds, James T. Sandford, and James Standefer.

From Ohio.—Mordecai Bartley, Philemon Beecher, John W. Campbell, James W. Gazlay, Duncan McArthur, William McLean, John Patterson, John Sloane, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey, William Wilson, and John C. Wright.

From Louisiana.—William L. Brent.

From Indiana.—John Test.

From Illinois.—Daniel P. Cook.

From Alabama.—John McKee, and Gabriel Moore.

From Missouri.—John Scott.

From Arkansas Territory.—Henry W. Conway.

After the Clerk had finished calling the members of States, and a quorum was ascertained to be present,

Mr. TAYLOR, of New York, rose and remarked, that, it having been publicly announced that he was considered a candidate for the Speaker's Chair, and several Representatives having avowed their intention to vote in his favor; for the purpose of correcting any mistake upon this subject which might exist either here or elsewhere he thought proper to state that he was not a candidate, and that, if his friends consulted his wishes, they would not, on this occasion, support him for the office. This frank declaration, he said, appeared to be due to the House and to those gentlemen who were understood to be candidates, as well as to himself.

ELECTION OF SPEAKER.

The House then proceeded, by ballot, to the election of a Speaker, and, upon an examination of the ballots, it appeared that Henry Clay, one of the Representatives from the State of Kentucky, had 139 votes, and that Philip P. Barbour, one of the Representatives from the State of Virginia, had received 42 votes.

Mr. Clay was, therefore, declared to be duly elected, and conducted to the Speaker's Chair, from whence he made acknowledgments to the House in the following terms:

Gentlemen: I pray you to accept my most respectful thanks for the honor you have just conferred on me. The station of Speaker of this House has been always justly considered as one of great respectability, as well as of high responsibility. But, at the present period, when we are assembled under a new census, with our number considerably enlarged, and the highest interests of a greatly augmented population committed to our charge, it has acquired much additional importance, which requires from the favored object of your selection his most grateful acknowledgments and the expression of the profoundest sensibility. The principles which should regulate the execution of the duties of the incumbent of the Chair are not difficult to comprehend, although their application to particular instances is often extremely delicate and perplexing. They enjoin promptitude and impartiality in deciding the various questions of order as they arise; firmness and dignity in his deportment towards the House; patience, good temper, and courtesy, towards the individual members; and the best arrangement and distribution of the talent of the House, in its numerous subdivisions, for the despatch of the public business, and the fair exhibition of every subject presented for consideration. They especially require of him, in those moments of agitation from which no deliberative assembly is always entirely exempt, to remain cool and unshaken amidst all the storms of debate, carefully guarding the preservation of the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests. It is on such occasions as these, too, that the Chair stands most in need of your support, of your candor, of your liberality, of your unbiassed judgment. I am not so presumptuous, gentlemen, as to promise you that I shall perform the arduous duties of which I have presented an imperfect sketch. All I dare say is, that I will exert an anxious, faithful, and unremitting endeavor to fulfil the expectations by which I have been so much honored. And may we not indulge the hope, that, with the blessing of Divine Providence, all our deliberations and all our proceedings may tend to sustain the dignity of the House, to maintain the honor and character of the country, and to advance the public welfare and happiness.

The oath to support the Constitution of the United States, as prescribed by law, was then administered to the Speaker by Mr. Newton, one of the Representatives from Virginia, and the same oath (or affirmation) was then administered by the Speaker to all the other members present.

A motion was then made by Mr. Campbell, of Ohio, that Matthew St. Clair Clarke, Clerk to the late House of Representatives, be appointed Clerk to this House; and the motion was agreed to, unanimously.

The oath to support the Constitution of the United States, together with the oath of office, as prescribed by the act aforesaid, were then administered to the Clerk by the Speaker.

On motion of Mr. Newton, it was

Resolved, unanimously, That Thomas Dunn be appointed Sergeant-at-Arms, Benjamin Burch Doorkeeper, and John Oswald Dunn Assistant Doorkeeper to this House; and that they severally give their attendance accordingly.

On motion of Mr. Tomlinson, it was

Ordered, That a message be sent to the Senate to inform them that a quorum of this House have assembled, and have elected Henry Clay their Speaker, and that this House is now ready to proceed to business; and that the Clerk do go with the said message.

On motion of Mr. Newton,

Ordered, That the daily hour to which the House shall stand adjourned be twelve o'clock until otherwise ordered.

On motion of Mr. Little,

Resolved, That the Rules and Orders established by the late House of Representatives be deemed and taken to be the Rules and Orders of proceeding to be observed in this House, until a revision or alteration of the same shall have taken place.

On motion of Mr. Newton,

Resolved, That a committee be appointed on the part of this House to join such committee as have been or may be appointed on the part of the Senate to wait on the President of the United States and inform him that a quorum of the two Houses have assembled, and are ready to receive any communications he may be pleased to make to them.

Ordered, That Mr. Newton and Mr. Van Rensselaer be the committee on the part of the House, and that the Clerk do acquaint the Senate therewith.

On motion of Mr. Allen, of Massachusetts,

Resolved, That the Clerk be directed to cause the members to be furnished with such newspapers as they respectively may elect; the expense of each member not to exceed the price of three daily papers.

A message was received from the Senate informing the House that a quorum of the Senate had assembled, and was ready to proceed to business; and that they have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, &c.

And then the House adjourned.

Tuesday, December 2.

Several other members, to wit: from Pennsylvania, Philip S. Markley and Andrew Stewart; from Maryland, Raphael Neale, John S. Spence, and Henry R. Warfield; from Virginia, John Randolph; from North Carolina, Hutchins G. Burton and Thomas H. Hall; from South Carolina, John Carter and Andrew R. Govan; from Ohio, Thomas R. Ross; and from Indiana, Jonathan Jennings and William Prince, appeared, produced their credentials, were qualified, and took their seats.

Mr. Newton, from the joint committee, appointed yesterday to wait on the President of the United States, reported that the committee had performed the duties of their appointment, and that the President answered that he would make a communication, in writing, to the two Houses this day.

The Speaker laid before the House a letter from the Secretary of War, transmitting a statement, comprising the names of the persons whose accounts have been settled agreeably to the act of the first of March last, entitled "An act in addition to the act entitled 'An act for the prompt settlement of public accounts;'" which letter and statement were ordered to lie on the table.

The Speaker laid before the House another letter from the Secretary of War, transmitting a statement, showing the number of Revolutionary pensioners on the rolls of the several States and Territories of the United States, made in conformity to a resolution of the House of Representatives, of the first of March last; which were ordered to lie on the table.

The Speaker laid before the House a letter from the Clerk, covering four statements, prepared in obedience to the resolution of Congress, of the first of March last, "requiring from the Secretary of the Senate, and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses;" which letter and statements were ordered to lie on the table.

A message from the Senate informed the House that they have passed a resolution authorizing the appointment of two Chaplains, of different denominations, during the present session, one by each House, who shall interchange weekly; in which resolutions the Senate ask the concurrence of this House.

The said resolution was read, and concurred in by the House.

On motion of Mr. Lathrop, it was ordered that this House will, on Monday next, the 8th instant, proceed to the appointment of a Chaplain to Congress on their part.

A Message was then received from the President of the United States, which was read, and committed to the Committee of the Whole House on the state of the Union; and six thousand copies thereof ordered to be printed for the use of the members of this House. [For this Message see Senate proceedings, *ante* p. 12.]

The House then adjourned.

Wednesday, December 3.

Two other members, to wit: from New York, Samuel Lawrence; and from Alabama, George W. Owen, appeared, and produced their credentials.

Richard K. Call, also appeared, and produced his credentials, as the Delegate from the Territory of Florida.

The Speaker laid before the House a letter from Samuel R. Overton and Joseph M. White, two of the commissioners appointed to ascertain titles and claims to lands in West Florida, asking for an extension of the time to the first of September next, to enable them to complete the duties of their appointment; which letter was read, and ordered to lie on the table.

STANDING COMMITTEES.

On motion of Mr. Taylor, it was ordered that the call for petitions be dispensed with, and that the several Standing Committees be now appointed, in pursuance of the rules and orders of the House: Whereupon, the Speaker appointed the following Standing Committees:

Of Elections.—Mr. Sloane, Mr. Mallary, Mr. Ball, Mr. Tucker, of South Carolina, Mr. Standefer, Mr. Hall, of North Carolina, and Mr. Thompson, of Kentucky.

Of Ways and Means.—Mr. McLane, of Delaware, Mr. Ingham, Mr. Thompson, of Georgia, Mr. Andrew Stevenson, Mr. Cambreleng, Mr. McDuffie, and Mr. McKim.

Of Claims.—Mr. Williams, of North Carolina, Mr. McCoy, Mr. Rich, Mr. Litchfield, Mr. Matson, Mr. Whittlesey, and Mr. Isacks.

On Public Lands.—Mr. Rankin, Mr. Scott, Mr. Cook, Mr. Jennings, Mr. Strong, Mr. Vinton, and Mr. Bradley.

On Commerce.—Mr. Newton, Mr. Tomlinson, Mr. Abbot, Mr. Durfee, Mr. Dwight, Mr. Mangum, and Mr. Morgan.

On the Post Office and Post Roads.—Mr. Francis, Johnson, Mr. Hooks, Mr. Stoddard, Mr. Wilson, of South Carolina, Mr. McKean, Mr. Alexander, of Tennessee, and Mr. Bartley.

For the District of Columbia.—Mr. Kent, Mr. Neale, Mr. Matlack, Mr. Findlay, Mr. Alexander, of Virginia, Mr. Gazlay, and Mr. Blair.

On the Judiciary.—Mr. Webster, Mr. P. P. Barbour, Mr. Plumer, of New Hampshire, Mr. Burton, Mr. Buchanan, Mr. Saunders, and Mr. Brent.

On Pensions and Revolutionary Claims.—Mr. Little, Mr. Eddy, Mr. Allen, of Tennessee, Mr. William Smith, Mr. Culpepper, Mr. Plumer, of Pennsylvania, and Mr. Udree.

On Public Expenditures.—Mr. Cobb, Mr. Clarke, of New York, Mr. Crafts, Mr. Markley, Mr. Gist, Mr. Sandford, and Mr. John S. Barbour.

On Private Land Claims.—Mr. Campbell, of Ohio, Mr. Moore, of Alabama, Mr. Sterling, Mr. Prince, Mr. Garrison, Mr. Locke, and Mr. Williams, of New York.

On Manufactures.—Mr. Tod, Mr. Forward, Mr. Condict, Mr. Conner, Mr. Wright, Mr. Craig, and Mr. Marvin.

On Agriculture.—Mr. Van Rensselaer, Mr. Baylies, Mr. Garnett, Mr. Harris, of Pennsylvania, Mr. Rose, Mr. Whitman, and Mr. Patterson, of Pennsylvania.

On Indian Affairs.—Mr. Cocke, Mr. Mitchell, of Pennsylvania, Mr. Williams, of Virginia, Mr. McKee, Mr. McLean, of Ohio, Mr. Ten Eyck, and Mr. Gatlin.

On Foreign Affairs.—Mr. Forsyth, Mr. Taylor, Mr. Storrs, Mr. Trimble, Mr. Archer, Mr. Farrelly and Mr. Poinsett.

On Military Affairs.—Mr. Hamilton, Mr. Rogers, Mr. Mitchell, of Maryland, Mr. McArthur, Mr. Houston, Mr. Vance, of Ohio, and Mr. Campbell, of South Carolina.

On Naval Affairs.—Mr. Crowninshield, Mr. Fuller, Mr. Randolph, Mr. Warfield, Mr. Cady, Mr. Holcombe, and Mr. Harvey.

On Revisal and Unfinished Business.—Mr. Ross, Mr. Lathrop, and Mr. Brown, of Pennsylvania.

On Accounts.—Mr. Allen, of Massachusetts, Mr. Swan, and Mr. Letcher.

On Expenditures in the Department of State.—Mr. Wood, Mr. Barber, of Connecticut, and Mr. Bailey.

On the Expenditures in the Department of the Treasury.—Mr. Edwards of North Carolina, Mr. Hayward, and Mr. Burleigh.

On the Expenditures in the Department of War.—Mr. Tucker of Virginia, Mr. Lincoln, and Mr. White.

On the Expenditures in the Department of the Navy.—Mr. Edwards of Pennsylvania, Mr. Hobart, and Mr. O'Brien.

On the Expenditures in the Department of the Post Office.—Mr. Van Wyck, Mr. Wilson of Ohio, and Mr. Lawrence.

On the Expenditures on the Public Buildings.—Mr. Nelson, Mr. Ellis, and Mr. Moore of Kentucky.

On motion of Mr. Taylor, it was ordered, that, when the House adjourns, it will adjourn to meet again on Friday the 5th instant.

PRESIDENT'S MESSAGE.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. Condict in the Chair, and proceeded to the consideration of the Message of the President of the United States.

Mr. Taylor, of New York, submitted the following resolutions:

1. *Resolved,* That so much of the Message of the President of the United States as concerns our political relations with other independent Governments, be referred to the Committee on Foreign Affairs.

2. *Resolved,* That so much of the President's Message as relates to commerce; to the erection of piers in the Delaware bay, and the removal of obstructions to the entrance of the harbor of the port of Presque Isle, be referred to the Committee of Commerce.

3. *Resolved,* That so much of the President's Message as relates to a revision of the tariff, with a view to the encouragement of manufactures, be referred to the Committee on Manufactures.

4. *Resolved,* That so much of the President's Message as relates to the army, the militia, the ordnance department, the military academy, fortifications, armories, and arsenals, be referred to the Committee on Military Affairs.

5. *Resolved,* That so much of the President's Message as relates to the organization of the naval establishment, and the suppression of piracy, be referred to the Committee on Naval Affairs.

6. *Resolved,* That so much of the President's Message as relates to the revenue, and the redemption of the public debt, be referred to the Committee of Ways and Means.

7. *Resolved,* That so much of the President's Message as concerns the Post Office Department, and the revision of the laws relating to the same, be referred to the Committee on the Post Office and Post Roads.

8. *Resolved,* That so much of the President's Message as relates to the settlement of the public accounts, be referred to the Committee on Public Expenditures.

9. *Resolved,* That so much of the President's Message as concerns our relations with certain Indian tribes, be referred to the Committee on Indian Affairs.

10. *Resolved,* That so much of the President's Message as relates to the suppression of the African slave trade, be referred to a select committee.

11. *Resolved,* That so much of the President's Message as relates to the Cumberland road, be referred to a select committee.

12. *Resolved,* That so much of the President's Message as relates to the connexion of the waters of the Chesapeake and Ohio, by means of a canal, be referred to a select committee.

13. *Resolved,* That the said select committees have leave to report by bill or otherwise.

These resolutions were severally agreed to; when the committee rose and reported them to the House, and, the same being again read at the Clerk's table, were severally concurred in by the House.

Messrs. Govan, Livermore, Herrick, Test, Wayne, Spaight, and Eaton, were appointed a committee upon the suppression of the African slave trade, in pursuance of the tenth resolution.

Messrs. Hemphill, Beecher, John T. Johnson, Stewart, Johnson of Virginia, Reynolds, and Owen, were appointed a committee on the subject of the Cumberland road, in pursuance of the eleventh resolution.

Messrs. Mercer, Breck, Woods, Lee, Buckner, J. Stephenson, and Patterson of Ohio, were appointed a committee upon the subject of the connexion of the waters of the Chesapeake and Ohio, in pursuance of the twelfth resolution.

Adjourned until Friday next.

Friday, December 5.

Mr. Lawrence of New York, Mr. Owen of Alabama, and Mr. Call, delegate from Florida, were severally qualified, and took their seats.

Mr. Farrelly presented several petitions from inhabitants of the county of Erie, and parts adjacent, in the State of Pennsylvania, praying provision may be made for removing the bar which obstructs the entrance into the harbor of Presque Isle.—Referred to the Committee on Commerce.

Mr. Forsyth presented a petition, (in the French language,) of Gabrielle Emelie de Beauregard, the widow of a French officer, of the rank of captain, in the Army of the United States, in the Revolutionary war, setting forth that she is in poverty, with six children; that she makes no claim, but submits her case to the liberality of Congress.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. Condict presented a memorial of sundry inhabitants of the State of New Jersey, praying that further protection and encouragement may be extended to the manufacturing interest of the country, and that an excise duty may be imposed on domestic distilled spirits.—Referred.

Mr. Livermore, of New Hampshire, offered for consideration the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of directing the United States mail to be carried in the day-time, only, except when transported by water.

In support of this resolution, Mr. L. remarked, that his object was to secure the mail from depredations, several alarming instances of which had recently occurred. He was persuaded that, while the adoption of the measure proposed in the resolve would protect, it would not retard the mail; because, if accelerated as it might be, it would be carried as far in twelve hours, by daylight, as now in the twenty-four, including the night.

The resolution was agreed to.

Mr. Foot, of Connecticut, moved the adoption of the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of "regulating (by law) the commerce among the several States," under the 8th section of the 1st article of the Constitution of the United States.

Mr. Foot observed that collision had taken place between several of the States, already, in relation to this subject; and, fearing that more might occur, he was desirous of providing a remedy—with which view he had proposed this resolution.

The resolution was agreed to without opposition.

On motion of Mr. McDuffie, of South Carolina, it was resolved that a select committee be appointed to inquire into the expediency of recommending to the several States the propriety of amending the Constitution of the United States in such manner that the mode of electing members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors for President and Vice President of the United States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives.

Messrs. McDuffie, Alexander Smyth, Reed, Storrs, Buchanan, Wickliffe, and Cary, were appointed a committee pursuant to the above resolution.

Mr. McKim submitted the following resolution:

Resolved, That the Secretary of State be directed to furnish to this House a statement of all sick or disabled seamen, who may have been sent to the infirmary or hospitals at the port of Liverpool, in Great Britain, under the direction of the American consul at that port; as, also, the amount of money retained or received by said consul from the master or consignee of every American vessel arriving at said port, from the first of September, 1821, to the first of September, 1823, for each sick or disabled seaman sent to the infirmary or hospitals.

The resolution was laid on the table one day, under the rule.

Mr. Thompson, of Georgia, moved that the House do come to the following resolution:

Resolved, That the memorial of the Legislature of Georgia, relative to the claims of certain detachments of militia of that State, for services performed in the years 1792, 1793, and 1794; together with the accompanying documents, now on the files of this House, be referred to a select committee, with leave to report by bill or otherwise.

The resolution was read, and, on motion of Mr. Cocke, was amended, by striking out the words "a select committee," and inserting "the Committee on Military Affairs."

The question was then taken to agree to the resolution, as amended, and passed in the affirmative.

On motion of Mr. Jennings, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation for the purpose of effecting a further extinguishment of Indian title to lands in the State of Indiana.

MOTHER OF COMMODORE PERRY.

The following resolution was offered by Mr. Hamilton, of South Carolina:

Resolved, That the Naval Committee be instructed to inquire into the justice and expediency of allowing Mrs. Sarah Perry, the mother of the late Captain Oliver Hazard Perry, a pension during her natural life.

Mr. Hamilton mentioned, in offering this resolution, that a bill embracing this object had been reported at the last session of Congress, but not acted on from the want of time. His present object was to revive that bill.

Mr. Trimble, of Kentucky, not meaning to object to this resolution, suggested the propriety of including in it the case of Mrs. Lawrence, the widow of the gallant captain of that name.

Mr. Hamilton said he thought that though the cases of the venerable Mrs. Perry and the widow of the lamented Lawrence, were in many respects similar, yet there were some points of difference in them which rendered it inexpedient to blend them together.

Mr. Cambreleng, of New York, disclaiming all opposition to the object of the resolution, an object in which he feelingly and fully concurred, was of opinion that the cases of Mrs. Lawrence and Mrs. Perry might better have a separate consideration. The case of Mrs. Perry required a distinct act of legislation—that of Mrs. Lawrence did not, being one of a class of cases heretofore regularly provided for by law, her husband having fallen in battle. But it should be remembered that, through some inadvertence, the act, providing pensions for the widows and orphans of naval officers killed in battle, was omitted to be revived at the last session of Congress, previous to which it had expired. The fund from which that relief was dispensed was a sacred one; it had been raised out of the Navy itself, and it should ever be held sacred to the object for which it was raised. He intended, on Monday, to move for a revival of the act, and if, as he trusted, it should be revived, he cherished a strong hope that the Committee of Claims would put the venerable lady who was the subject of the present resolution, also, on the pension list. The fund was ample to embrace both classes of cases.

The resolution was adopted; and the House adjourned to Monday.

Monday, December 8.

Another member, to wit: **John Herkimer**, from the State of New York, appeared, produced his credentials, was qualified, and took his seat.

Gabriel Richard also appeared, produced his credentials, was qualified, and took his seat as the delegate from the Territory of Michigan.

Mr. **Webster** presented a petition of the manufacturers of wool, in the State of Massachusetts, praying that an additional duty of 12½ per cent. may be imposed on foreign woollen manufactures; which petition was referred to the Committee on Manufactures.

Mr. **Conway** presented a memorial of the General Assembly of the Territory of Arkansas, praying that an appropriation may be made for the purpose of extinguishing the title of the Quapau tribe of Indians to certain lands in that Territory.—Referred to the Committee of Ways and Means.

Mr. **Stewart** presented a petition of William Pew, of Pennsylvania, a soldier of the Revolution, praying for a pension.

Mr. **Forsyth** presented a petition of Lewis Joseph de Beaulieu, late a captain in Count Pulaski's Legion, in the Revolutionary army, praying for an increase of the pension granted to him by the Revolutionary Congress, for gallant services and numerous wounds received in battle.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. **Brent** presented a petition of Le Peltier de la Houssaye, Chevalier de la Houssaye, and Octave de la Houssaye, on behalf of themselves and the residue of the heirs and representatives of Louis de la Houssaye, praying that their title to a tract of land in the State of Louisiana may be confirmed.—Referred to the Committee on Private Land Claims.

The petition of Mrs. Julia Lawrence, widow of the late Captain Lawrence, and of Penelope Denny, mother of Lieutenant Denny, who fell in the pirate expedition, heretofore presented, were referred to the Committee on Naval Affairs.

Mr. **Hemphill** presented a memorial from sundry insurance companies and merchants, of the city of Philadelphia, setting forth that, in the year 1807, they embarked, or assumed the responsibilities of those who had embarked, a large amount of property on board of vessels, solely owned by citizens of the United States, and destined for Antwerp, at that time a port of France; that the vessels were captured by British cruisers and sent into England, where they were speedily released, and proceeded to Antwerp, which port they reached in safety; but, immediately after their arrival, vessels and cargoes were put under sequestration, upon the pretext of a violation of the *Berlin Decree;* that the property was not libelled, nor was there any judicial proceeding had in relation to it. It was, however, sold by order of the French Government, and has been totally lost to the memorialists; that they have now been nearly fifteen years unlawfully deprived of their property, and they now confidently appeal to the Constitutional guardians of their rights, and pray that their case may be taken into consideration, and that such relief may be granted to them as in the wisdom of Congress may seem just and proper.

Mr. H. also presented a memorial, similar in most respects from sundry other merchants of the city of Philadelphia, who, in the year 1809, shipped a large amount of property for Saint Sebastians, in Spain, where, upon its arrival, it was seized by French officers, and has become wholly lost to the memorialists.

The **Speaker** presented a petition of Parmenio Adams, contesting the election and return of Isaac Wilson, as one of the members of this House, for the State of New York, and praying to be admitted to a seat in the place of said Wilson.—Referred to the Committee of Elections.

On motion of Mr. **Jennings**, the petition of the General Assembly of the State of Indiana, respecting the courts of the United States in said State, heretofore presented on the 27th of January, 1823, was referred to the Committee on the Judiciary.

Mr. **Conway** presented a memorial of the General Assembly of the Territory of Arkansas, praying that the Commissioner of the General Land Office may be directed to furnish the government of said Territory with a list, showing the military bounty lands in said Territory, and to whom and when granted.—Referred to the Committee on the Public Lands.

A Message was received from the **President of the United States**, which was read, and is as follows:

To the House of Representatives of the United States:

By an act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of thirty-five thousand one hundred and ninety dollars, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, *Dec.* 7, 1823.

The Message was referred to the Committee of Ways and Means.

Mr. McKIM's resolution calling on the Department of State for information respecting the moneys paid to infirmaries or hospitals for sick and disabled seamen, submitted on Friday last, was called up, and, after a short explanation from Mr. McK., was adopted.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of so amending the laws of the United States as to abolish "imprisonment for debt."

Resolved, That the Committee on the Judiciary be instructed to inquire into the policy and expediency of establishing "a Criminal Code" for the government of the United States.

On motion of Mr. BEECHER, the Committee on the Cumberland Road were instructed to inquire into the expediency of further extending the Cumberland Road, by opening and making the same from Wheeling to Zanesville, in the State of Ohio.

Mr. OWEN moved that the House do come to the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending a Circuit Court of the United States to the State of Alabama.

The resolution being read—

Mr. CALL moved to amend the same by adding thereto "and the Territory of Florida;" which motion to amend being decided in the negative—

Mr. RANKIN moved to amend the same by striking out the words "to the State of Alabama," and inserting "to those States in which no Circuit Court has been established."

The resolution was then ordered to lie on the table, and the House proceeded to the election of a Chaplain to Congress for the present session, on their part, and, upon an examination of the second ballot, it appeared that the Rev. HENRY B. BASCOM, of the Methodist Episcopal Church, was duly elected.

COMMISSIONER TO GREECE.

Mr. WEBSTER, of Massachusetts, submitted, for consideration, the following:

Resolved, That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent, or commissioner, to Greece, whenever the President shall deem it expedient to make such appointment.

In offering the resolution, Mr. WEBSTER stated, it was far from being his wish, in any manner, to commit the House in this or any of the political contests of Europe; but the President of the United States, having, in his Message to Congress, not only expressed a belief that the Greek nation, in its present struggle with its oppressors, had the good wishes of the whole civilized world, but also advanced the opinion that the Turkish dominion over that country was lost forever; he thought that, if such were the fact, it was important that Congress should act upon the subject. The United States, he said, had diverse interests in the Mediterranean, which might be seriously affected, more or less, by the course of events in that quarter. The main object he had in view, he confessed, was to obtain from this House an expression, responsive to the sentiment of the Message, in reference to the sacrifices and sufferings of that heroic people—sacrifices and sufferings which ought to excite the sympathy of every liberal minded man in Europe as well as in this country. But, whatever might be the case with other nations, we certainly ought not to be restrained from expressing, with freedom, what are our views in relation to the Greek cause, so far as it may be done without committing ourselves in the contest. And he really did hope that we should show to the world, that there is, at least, one Government which does entertain a proper view of that barbarous despotism which, under the eyes of Europe, has been permitted, by a system of the foulest atrocity, to attempt to crush an interesting christian nation. He did not desire that the resolution should be at present acted upon, but simply that it lie on the table for the consideration and deliberate reflection of this House.

The resolution was laid on the table, according to Mr. WEBSTER's motion, in preference to the suggestion of Mr. FOOTE, to refer it to a Committee of the Whole on the state of the Union, and of Mr. FARRELLY, to refer it to the Committee of Foreign Relations.

On motion of Mr. LITTLE, it was ordered that the subject of Revolutionary Pensions, under the acts of March 18, 1818, and May 1, 1820, be referred to a select committee; and Messrs. EDWARDS, of North Carolina, KREMER, KIDDER, ROBERT B. VANCE, CASSEDY, HOGEBOOM, and ARTHUR SMITH, were appointed the said committee.

TUESDAY, December 9.

Two other members, to wit: from the State of Maine, STEPHEN LONGFELLOW; and from the State of Virginia, WILLIAM C. RIVES: appeared, were qualified, and took their seats.

Mr. BAYLIES presented a memorial of the citizens of New Bedford, in the State of Massachusetts, exhibiting a view of the languishing state of the spermaceti whale fishery, and praying that an additional duty may be imposed on tallow and tallow candles, upon their importation into the United States, by way "of protection of the fisheries, and of the agricultural interest of the country," which memorial was referred to the Committee on Agriculture.

Mr. Sibley presented a memorial of sundry inhabitants of the district of Norfolk, in the State of Massachusetts, contesting the election and return of John Bailey, as one of the members of this House, from that State, on the ground that he was not an inhabitant of the State at the time of his election, and praying that the seat of said Bailey may be declared vacant; which memorial was referred to the Committee of Elections.

Mr. Cambreleng presented a memorial of the tallow-chandlers and soap-boilers of the city of New York, combatting the representations contained in the memorial presented this day from the citizens of New Bedford, upon the subject of the sperm whale fishery, and the importation of tallow and tallow candles, and declaring that the said representations are fallacious; and stating that they are entirely satisfied with the duty, as it now stands, on foreign tallow and tallow candles; yet, if any alteration be determined on, they pray that tallow may be admitted free of duty, as most, if not all other, raw materials are now admitted.

Mr. Storrs presented a memorial of the persons engaged in manufactures in the county of Oneida, in the State of New York, praying that efficient measures may be devised and adopted, to protect the manufacturers of cotton goods from the hostility of foreign manufacturers and capitalists.

Mr. Govan presented a memorial of sundry inhabitants of Richland district, in the State of South Carolina, in opposition to any alteration or increase of the tariff of duties on foreign manufactures, by way of protection to domestic manufactures.

Ordered, That the said memorials be referred to the Committee on Manufactures.

Mr. Jennings presented a petition of Eliza Dill, one of the daughters of the late Major General Arthur St. Clair, of the Revolutionary army, on behalf of herself and sisters, praying to be allowed and paid the amount which she conceives to be equitably and justly due to the estate of her deceased father, on account of personal services rendered, and advances made for the public account, in the war of the Revolution.

On motion of Mr. Cook, the petition of James Mitchell to the Commissioner of the General Land Office, and the accompanying documents, were referrred to the Committee on the Public Lands.

On motion of Mr. Camberleng,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of continuing pensions to the widows, or to the orphans of all officers, seamen, and marines, who may have been slain in the public or private armed vessels of the United States, or who may have died of wounds received while in the service of their country; and to all other widows or orphans, who have been placed upon the navy pension roll by special acts of Congress, and of authorizing the payment of such sums as may be due those widows and orphans whose pensions may have been suspended.

Resolved, That the said committee be further instructed to inquire into the expediency of granting pensions to Lydia Allen and Penelope Denny.

On motion of Mr Strong, the Committee on the Judiciary were instructed to inquire into the propriety of giving concurrent jurisdiction to the supreme or superior court of law of the respective States, in cases arising under the act, entitled "An act to extend the privilege of obtaining patents for useful inventions and discoveries, and to enlarge and define the penalties for violating the rights of patentees."

Mr. Hemphill presented the following resolution:

Resolved, That the subject of roads and canals be referred to a select committee.

On this resolution the House divided. It was agreed to, 86 votes to 77, and a committee ordered to be appointed accordingly; and Messrs. Hemphill, Cuthbert, Sharpe, Stewart, Henry, Herkimer, and Rives, were appointed the committee.

On motion of Mr. Call, the Committee on the Public Lands were instructed to inquire into the expediency of granting to the Territory of Florida, a tract of twelve hundred and eighty acres of land, at the point designated for the permanent seat of government in said Territory: And further, to inquire into the expediency of granting to the cities of Pensacola and St. Augustine certain public lots within the limits of said cities, respectively.

On motion of Mr. Fuller, the Committee on the Judiciary were instructed to inquire into the expediency of repealing or modifying an act entitled "An act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned."

On motion of Mr. Jennings, the Committee on the Public Lands were instructed to inquire into the expediency of reserving from sale a portion of the public lands, through which a canal may be constructed to unite the navigable waters of the rivers Wabash and the Miami of Lake Erie, and to grant a portion of such land for the purpose of constructing such canal.

Mr. Brent submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to transmit to this House, all the papers, books, and reports which have been forwarded by the several Boards of Commissioners and registers of land titles in relation to the adjustment of land claims derived from the French and Spanish authorities, situated in that part of the State of Louisiana which constituted the late Territory of Orleans.

Resolved, That the Secretary of the Treasury be directed to inform this House, whether the report of the late register of the land office at Opelousas, in Louisiana, upon the land claims submitted to his consideration by the act of Congress, approved 11th May, 1820, has been received, and, if not, of the cause and reasons of the delay of the said register in making said report.

Ordered, That the aforegoing resolutions lie on the table one day.

On motion of Mr. Plumer, of New Hampshire, the Committee on the Judiciary were instructed to inquire into the expediency of allowing costs in cases where damages may be recovered for the violation of the rights of patentees under the several acts concerning the issuing of patents for useful discoveries and inventions.

On motion of Mr. WHIPPLE, the Committee on Military Affairs were instructed to inquire into the expediency of providing by law for an additional number of quartermasters and assistants, to be employed in the Quartermaster General's department of the Army of the United States, who shall be taken from the line of the army.

PUBLIC LANDS.

On motion of Mr. BRENT, it was—

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reviving the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved 11th May, 1820, in relation to back concesssions, and to extend its provisions so as to embrace every claim confirmed by the United States, whether it be situated upon a water course or not.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of causing patents to issue, in the mode pointed out by law, to persons whose claims to lands, town, or village lots, in the State of Louisiana, have been confirmed by the several boards of commissioners, or by acts of Congress, agreeably to the surveys already made, in all cases where said surveys have been made; and in all cases where said surveys have not been made, as soon thereafter as the same shall be surveyed and returned to the proper authorities.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of offering the public lands for sale, as speedily as possible, in the district south and north of Red river, in Louisiana.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of establishing a separate Surveyor General's district in the State of Louisiana.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of reducing the price of all public lands, situated in the prairies of Louisiana, at a certain distance, to be fixed, from wood and timber, so as to enable the United States to dispose of the same.

ROADS AND CANALS.

Mr. COOK offered the following resolution:

Resolved, That so much of the several acts of Congress, passed for the admission of Indiana, Illinois, and Missouri into the Union, as sets apart a portion of the money, arising from the sale of the public lands in those States, for the purpose of constructing roads and canals leading to those States respectively, be referred to a select committee.

Mr. SCOTT, of Missouri, expressed a wish to know what was the precise object of the mover of this resolution.

Mr. COOK explained; that, by the several acts for the admission into the Union of the States referred to in the resolution, three per cent. of the net amount of the proceeds of the sales of public lands was set apart for the construction of roads leading to those States. The object I have in view, therefore, said he, is to avail ourselves of the fund thus constituted. At the last session, the subject was referred to a committee of seven members, and six of the committee agreed to report a bill to that effect.

Mr. RANKIN suggested the propriety of referring this subject to the committee which had just been constituted, on the subject of roads and canals, the object of the resolve seeming to come more within the province of that committee.

Mr. COOK said the subject of roads and canals, in general, was one which usually produced much discussion in this House; it was one respecting which there existed always doubtless an honest difference of opinion. The resolution now before the House by no means involved that question, its object being to bring into activity a fund set apart and specifically pledged for the purposes contemplated by the resolution. He would not, therefore, throw it before a committee which was likely to have before it a vast deal of business from the older States, where it might, to use a common phrase, be overlaid by more ponderous subjects.

The question was then taken on the resolution as originally moved, and agreed to; and Messrs. COOK, SCOTT, JENNINGS, MARTINDALE, BRENT, CUSHMAN, and COLLINS, were appointed the said committee.

The House proceeded to the consideration of the resolution offered yesterday, by Mr. OWEN, in relation to extending the circuit court of the United States into certain States. The question being on the amendment, (which extended the proposition from Alabama to all the States where no circuits are now held,) it passed in the affirmative; and, thus amended, the resolution was agreed to, and then the House adjourned.

WEDNESDAY, December 10.

Mr. FARRELLY presented the memorial of Jared Shattuck, of the State of Pennsylvania, praying to be allowed and paid the interest on the whole of a sum of money, awarded him by a decree of the Supreme Court of the United States; interest having been allowed on a part only of said sum, by the Treasury Department.—Referred to Committee of Claims.

Mr. LONG presented a memorial adopted at a yearly meeting of the Society of Friends, held at New Garden, in Guilford County, North Carolina, on the 6th of November, 1823, representing that they hold the marriage covenant the highest civil engagement amongst men; that it ought to be held sacred and inviolable; notwithstanding which, the masters of slaves are tolerated, by the laws of the land, in breaking this most solemn contract, by separating husbands and wives; and praying Congress to adopt such measures as may be best calculated to meliorate the condition of slaves within its jurisdiction, at least, within the District of Columbia; which memorial was referred to the Committee for the District of Columbia.

On motion of Mr. ROSS, the petition of the administrators on the estate of John H. Piatt, late of the State of Ohio, deceased, presented on the 31st December, 1822, together with the report of the select committee, made thereon, on the 3d of March last, was referred to a select committee; and Messrs. ROSS, MALLARY, JENKINS, LONGFELLOW, MCCOY, VINTON, and FOOTE, of New York, were appointed the committee.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that provision may be made for opening a public road from the town of Memphis, or Lower Chickasaw Bluffs, on the Mississippi, to Little Rock, the seat of government in said Territory; which memorial was referred to the Committee on Roads and Canals.

Mr. CAMBRELENG, from the Committee of Ways and Means, to which was referred the Message from the President of the United States, in relation to the accounts of Governor Tompkins, made a report, accompanied by a bill, appropriating $35,190 for the relief of Daniel D. Tompkins; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to alter the time of holding the district court of the United States at Mobile (to the fourth Mondays of April and November;) which was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. MCLANE, of Delaware, submitted the following resolution, viz:

Resolved, That the President of the United States be requested to communicate to this House all such parts of the correspondence with the Government of Spain, touching the Florida treaty, to the period of its final ratification, which have not yet been communicated, and which, in his opinion, it may not be inconsistent with the public interest to communicate.

The resolution was ordered to lie one day, under the rule.

Mr. STORRS submitted the following resolution:

Resolved, That the Postmaster General be directed to communicate to this House a statement, exhibiting the amount of postage received during the year 1822, at each post office in the United States, and the Territories thereof.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. CALL, the Committee on Military Affairs were instructed to inquire into the expediency of fortifying the harbor of Pensacola.

On motion of Mr. WHITTLESEY, the Committee on Military Affairs were instructed to inquire into the expediency of providing by law for the distribution of arms to the militia of the District of Columbia, in a proportion corresponding with the number of effective militia in said district; and for the designation of a proper officer to receive the same.

Mr. GAZLAY submitted the following resolution, viz:

Resolved, That the Postmaster General be directed to lay before this House the amount of defalcations in his department, which occurred previous to July, 1823, and which were not sued for as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each occurred, and not to extend beyond sixteen years.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. MCCALL, the Committee on Roads and Canals were instructed to inquire into the expediency of opening a road in the most direct and practicable route from Pensacola to St. Augustine; and further, to inquire into the expediency of opening a road from St. Mark's to Cape Sable, in the Territory of Florida.

On motion of Mr. OWEN, the Committee on Military Affairs were instructed to inquire into the expediency of resuming the prosecution of the work on Dauphin Island, for the defence of the bay and harbor of Mobile; and further, to inquire whether the plan now pursued by Government in prosecuting the work on Mobile Point is the most practicable for the interest of the Government, and the speedy completion of the work.

Mr. HEMPHILL presented the following, which was ordered to lie one day for consideration:

Resolved, That the President of the United States be requested to communicate to this House copies of such parts of the correspondence of the late Minister of the United States at the Court of France, with the French Government, and such parts of the correspondence of said Minister with the Secretary of State, relative to claims of citizens of the United States, for spoliations upon our lawful commerce, as, in the opinion of the President, may not be inconsistent with the public interest.

On motion of Mr. STANDEFER, the Committee on Roads and Canals were instructed to inquire into the expediency of making appropriation for the opening of a canal between the navigable water of the Tennessee and Coosa rivers.

On motion of Mr. WRIGHT, the Committee on the Judiciary were instructed to inquire whether any, and if any, what, alterations are necessary in the existing laws establishing rules of naturalization; and also, into the expediency of furnishing copies of those laws to the courts of the several States authorized to naturalize aliens, so as to secure to persons desirous of naturalization the benefit thereof.

On motion of Mr. WRIGHT, the Committee on the Judiciary were instructed to inquire into the expediency of so revising and amending the several acts of Congress, allowing salaries to the district judges of the United States, as to equalize, as nearly as practicable, the compensation to be received by said judges.

LAND TITLES IN LOUISIANA.

The resolutions yesterday offered by Mr. BRENT, for obtaining certain information from the Secretary of the Treasury, and which were ordered to lie one day for consideration, were now taken up.

Mr. **Owen**, of Alabama, offered as an amendment, an additional resolution, requiring information respecting other land offices, which, at the suggestion of Mr. **Webster**, he afterwards withdrew.

Mr. **Wright**, of Ohio, expressed his doubts whether the intervention of the House was requisite in order to obtain the information desired, and, if not, he was opposed to it on principle.

Mr. **Brent** explained the objects he had in view in making this call, as the documents in question were indispensable to enable the House to act understandingly on several questions which will necessarily come before them the present session.

Mr. **Campbell**, of Ohio, feeling confident that the Secretary of the Treasury had already reported on some of the subjects, at least, embraced in these resolutions, offered as an amendment to them, these words, "which has not yet been reported to this House."

Mr. **Rankin** supported the amendment.

The question being taken on the amendment, it was adopted. The question then recurring on the resolution as amended,

Mr. **Wright**, of Ohio, observed that he was by no means satisfied that this was the proper mode of obtaining the information. He doubted whether it was right for this House to apply to the heads of Departments at all; and rather thought the application should in all cases be made directly to the Executive. He therefore moved to amend the resolutions by substituting the words "the President of the United States be requested," instead of "the Secretary of the Treasury be directed."

This amendment was opposed by Mr. **Brent**, who assured the honorable gentleman that he had no impure or improper motives in wishing to call directly on the Secretary of the Treasury for the information he wanted. He believed he was pursuing the course which had usually been followed. What would be the consequence of adopting the principle proposed in the amendment? Must this House call on the President of the United States for every paper they may chance to want?

Mr. **Livermore** was opposed to innovations, and to taking a circuitous mode of getting what might as well be obtained by a direct course. If the House should adopt the principle, and, as the gentleman had proposed, call on the President for all papers of this kind, all that the President could do, would be to call on the Heads of Department; and why not go to them in the first instance? It had been urged, as one reason against applying to these officers, that the calls upon them were becoming very numerous; but if this was a good reason in behalf of the Heads of Department, what must be said in the case of the President, when all these calls were accumulated upon him? The House should consider the high and dignified relations under which the President is placed; and not apply in person to him for details which might, and must, eventually, be obtained from his Secretaries.

The proposed amendment was rejected, and the resolution, as first amended, was adopted.

And on motion the House adjourned until tomorrow.

Thursday, December 11.

Mr. **Tyson** presented a memorial of James L. Bell, and others, composing the Mississippi Land Company of New York, setting forth, that, at very great expense, they have acquired the title to all that tract of land situated in the Northwestern Territory, commonly called "Carver's Grant;" lying on the east bank of the Mississippi river, at the Falls of Saint Anthony, and praying that their title to said land may be confirmed; which memorial was referred to the Committee on Private Land Claims.

Mr. **Hemphill** presented a memorial of sundry inhabitants of the city and county of Philadelphia, praying for a revision of the tariff of duties on imports, so as to afford further protection to domestic manufactures; which memorial was referred to the Committee on Manufactures.

On motion of Mr. **Isacks**, the petition of Thomas Carr, presented on the 18th of January, 1816, together with all the papers on file in the office of this House, in relation to the claims of the commissioners appointed by the State of Georgia to examine and survey the lands in the Big Bend of Tennessee river, or their representatives, was referred to the Committee on the Public Lands.

Mr. **Scott** presented a petition of John Biddle, praying that the election and return of Gabriel Richard, as the delegate, in this House, for the Territory of Michigan, may be set aside and his seat vacated, on the ground that said Richard was not, at the time of his election, nor is he yet, a citizen of the United States, and that he had not resided one year in said Territory, in the character of a citizen, previous to the election; which petition was referred to the Committee of Elections.

The **Speaker** presented sundry documents in relation to the contested election of **Isaac Wilson**, as one of the Representatives of the State of New York, by **Parmenio Adams**; which were referred to the Committee of Elections.

The **Speaker** also presented a letter from the Secretary of the State of New York, enclosing the certificate of the election of **William Woods**, as one of the Representatives of said State; which was also referred to the Committee of Elections.

Mr. **Williams**, of North Carolina, from the Committee of Claims, made a report on the petition of Charles M. Collier, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

The **Speaker** laid before the House a report from the Secretary of War, on the petition of Edward W. Lewis, which was read, and ordered to lie on the table.

The **Speaker** also laid before the House a letter from William H. Jones, accompanied with a specimen of a new universal Atlas, corrected down to the present time, executed by F. Lucas, of Baltimore; which letter was read, and ordered to lie on the table.

The resolution submitted yesterday, by Mr. **McLane**, of Delaware, was taken up, read, and agreed to by the House.

The resolution submitted yesterday, by Mr.

Storrs, calling on the Postmaster General for certain information, was taken up, read, and agreed to by the House.

Mr. Carter offered the following:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing the duties at present imposed on books, charts, maps, and mathematical and philosophical instruments, imported into the United States for individual use.

The question being taken on the adoption of this resolution, without debate, it was decided in the negative by a large majority.

On motion of Mr. McKean, the bill to alter the judicial districts of Pennsylvania, reported to this House on the 2d day of March, 1822, by the Committee on the Judiciary, but never acted upon, together with the petitions on which it was founded, was referred to the Committee on the Judiciary.

On motion of Mr. Breck, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law an uniform system of bankruptcy throughout the United States.

On motion of Mr. Kidder, the Committee on Commerce were instructed to inquire into the expediency of imposing a specific duty on potatoes, imported from Nova Scotia, Ireland, and any other foreign country.

On motion of Mr. Richards, of New York, the Committee on Military Affairs were instructed to inquire into the expediency of constructing some works of defence at some suitable point near the line dividing the United States from Canada, on the margin of Lake Champlain.

On motion of Mr. Garrison, the Committee on Commerce were directed to inquire into the expediency of erecting a beacon-light near the extremity of Cape Henlopen. And also that the Committee on Commerce be directed to inquire into the expediency of erecting a permanent light-house on the lower end of the Brandywine Shoal, in the Bay of Delaware.

On motion of Mr. Hamilton, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the circuit court within the sixth circuit of South Carolina district; that they be, likewise, instructed to inquire into the propriety of extending the provisions of an act of Congress, approved the 2d of March, 1809, entitled "An act to amend the judicial system of the United States," to meet the exigency resulting from the death of a district judge, as well as that which arises from his occasional disability.

On motion of Mr. Wright, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the circuit and district courts of the United States in the circuit and district of Ohio.

An engrossed bill entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," was read the third time, and passed.

Mr. Breck submitted the following:

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of providing by law against counterfeiting such marks or names as the manufacturer of any kind of ware may see proper to write or stamp thereon.

In support of this resolution Mr. Breck observed, that, when Mr. Jefferson was Secretary of State, application had been made to the Government by a person who was desirous of obtaining the exclusive right to the use of a certain mark, which was to be put upon goods manufactured by him. The application was referred to Mr. J., who made a report thereon, a certified copy of which report he now held in his hand, and which he wished might go to the Committee to whom the resolution should be referred. The report recommended that it should be declared penal to counterfeit the mark of the place where a particular article was manufactured.

The resolution, together with the copy of the report alluded to, was referred to the Committee on the Judiciary.

POST OFFICE DEFALCATIONS.

The resolution moved by Mr. Gazlay, of Ohio, was then taken up in the following words:

"*Resolved*, That the Postmaster General be directed to lay before this House the amount of defalcations in his Department, which occurred previous to July, 1823, and which were not sued for, as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each occurred, and not to extend beyond sixteen years.

The resolution being under consideration—

Mr. Gazlay rose and said, that, by a reference to the act of Congress of 1792, regulating the Post Office Department, it appeared that all the postmasters of the United States were directed to settle their several accounts with the General Post Office every quarter; and, if they neglected to do so, the Postmaster General was required to sue within three months. In 1810, the act was so altered as to extend the period within which the Postmaster General must sue, from three months to six. Under such a regulation, expressly provided by the law, it was not to have been anticipated that so much defalcation should occur as the amount stated in the President's Message. From reports laid before this House by the late Postmaster General, it appeared that, in 1814, there was a balance due the Department, from postmasters, of upwards of $200,000. In 1822, this amount had increased to $400,000; and it now stood, as appeared by the President's Message, at upwards of $300,000. The object of the resolution he had just offered, was to possess this House of the true state of these defalcations, in those particulars of which it was at present unadvised.

Mr. Storrs said, that, as he understood the fact, it was required, by a certain act of Congress, that the amount of the deficiency of any postmaster retained in office, should, after the lapse of a certain time, be charged to the Postmaster General. To ascertain whether that part of the law had been complied with or not, Mr. S. moved to add the following words, by way of amendment to the resolution: "and the amount of any such delinquencies as may have been charged against the Postmaster General of the United States."

Mr. **Gazlay** accepted this modification as a part of his motion; and, thus modified, the resolution was agreed to without opposition.

DECISIONS OF THE SUPREME COURT.

Mr. **Trimble**, in offering to the House the following resolution, said it was well known that the decisions of the Supreme Court of the United States sometimes are not published until twelve or fifteen months after their rendition. He did not complain of this under the present system; but his object was to insure an earlier publication of the reports. He thought that those who are interested in the principles decided should not be left so long ignorant of what those decisions were. To remedy this defect, he proposed the following:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and what, provision ought to be made by law, to insure a more speedy publication of the decisions of the Supreme Court of the United States.

Mr. **Plumer**, of New Hampshire, said, he could have no possible objection to the inquiry, but the fact is, that the existing law allows nine months for the completion of the publication, and that the time taken for that work had never, he believed, exceeded six months.

Mr. **Trimble** said he was sure that the gentleman could have no objection to the inquiry. He thought it pretty obvious that those decisions might be published in two weeks, or, at all events, in three weeks. Now, I think, said Mr. T., that the people are entitled to know what the Constitution is when a construction is given to it. At all events, the subject was worth inquiring into. He was sure that the inquiry could do no harm. He did not believe it was necessary to wait nine months for the reports, with no other view but to make it a profitable business to the reporter.

The resolution was then agreed to, without opposition.

ACCOUNTS OF DANIEL D. TOMPKINS.

The House then resolved itself into a Committee of the Whole on the bill appropriating a certain sum of money for the relief of Daniel D. Tompkins.

The bill having been read—

Mr. **Cocke** rose, and moved to strike out the enacting clause of the bill. He made this motion because the House were told, as the ground on which the act of the last session was passed, that there was a balance reported against the Vice President; that his services had been great; and that his situation was then such that it was not possible for him to pay the amount claimed of him. I was astonished (said Mr. C.) when I saw the report published, that a large balance was due by him to the Government, knowing it to have been admitted at the last session that there was no balance due to him. A similar case was brought before this House some years ago in the case of John H. Piatt. We were told that he had rendered essential services to the Government; that he was insolvent, and that nothing could be got from him. In the same manner, after a law had passed in his favor, there was a report that there was a large sum of money due to this individual; but the House refused to appropriate it. And, Mr. C. said, before he could vote for this bill, he must be convinced that the money was really due to Mr. Tompkins. He should like to know, he said, upon what vouchers a report of this sort had been made. We are told, by the President's Message, moreover, that this is not all the money that will be claimed in this case; and pass this bill, said Mr. C., and probably, before the Christmas holidays, we shall have another call upon us to appropriate, I am told, upwards of a hundred thousand dollars for the same purpose. It does seem strange to me, that those who are intrusted only with the disbursement of public money should expend their own funds to the large amount of a hundred or a hundred and fifty thousand dollars. It is not usual for them to do so. And when we see a claim of this sort, which has lain dormant for a number of years, brought forward after all the circumstances of it are forgotten, we should have some proof exhibited to this House in support of it before we put our hand into the public purse and take out the money of the people to pay it. I make these objections to ascertain whether the House will, without further information, vote away this sum of money, especially when they know that a much larger sum of money will be hereafter demanded of them on the same plea as this.

Mr. **Cambreleng** said, he had not anticipated, after the documentary evidence which had been laid upon the table, that any gentleman, who had been a member of the last Congress, could have raised an objection to this bill. He, however, attributed the opposition of the gentleman from Tennessee to one of the best motives which could find a place in the bosom of any legislator—to a sense of the duty of examining with vigilance the merits of every appropriation which comes before him. At the last session, said Mr. C., we passed a law directing the accounting officer of the Treasury to adjust the accounts of the Vice President, upon the principles of justice and equity. They have discharged this duty; and I will advert to the circumstance, that the accounts have passed under the scrutiny of the best accounting officer of the Government—I mean Mr. Hagner, whose assiduity and severe justice the gentleman from Tennessee understands as well as I do. In reference to the case of Mr. Piatt, to which the gentleman from Tennessee had adverted, Mr. C. said he had supposed that with his well known sagacity, the gentleman from Tennessee would have been able to discern the distinction between the present case and that of Mr. Piatt, and explain to him the ground of the objection to making an appropriation in the latter case. In that case, Mr. Cutts, the Comptroller, awarded a balance of $60,000 in favor of Mr. Piatt, and Mr. Hagner a balance of $40,000 against him. Thus, when the House was called upon to appropriate money for the payment of the claim, it declined doing it because of the want of harmony between the decisions of the two accounting officers. But, in the present case, there is no want of harmony; the amount in this case is clearly due from the United States, by the decision of all branches of the Government. We have knowledge that the jury, which attentively examined this case, awarded to Mr. Tompkins a much larger sum. The award of the Third Auditor has fallen far short of the amount claimed, and the President, approving the award as far as it goes, reserved his decision as to the remainder. When that decision, which the gentleman from Tennessee looked forward to with so much alarm, should be made, Mr. C. said he should be ready to meet the gentleman on any ground. I might, said he, attempt to attract the sympathy of this House on this occasion; but I will not do it. It will be time enough to speak of the distinguished services of Mr. Tompkins when the occasion comes, as I presume it will, for discussing the propriety of allowing a further amount. We are now, however, called upon to act clearly within the principle of the law of the last session, the amount asked being a balance actually reported, by the accounting officers, to be due to the Vice President.

Mr. McLane, of Delaware, rose to call the attention of the House to a few of the facts of this case. The opposition of the gentleman from Tennessee was not a matter of surprise, when the House considered the ground of it. But how was the fact? This was not the case of an individual, asking of the House a gratuity or unauthorized allowance, but asking of them to do what the Congress was already pledged to do. Under these circumstances, it was at least to be expected that the friends of the bill should not be met by general surmises as to the state of the accounts of the person in question. The services of the individual, whose claim was now under consideration, could not be unknown to any gentleman here. We all know his services, said Mr. McL., which, at a very dark and gloomy period, were exceedingly patriotic, important to his country, and disinterested. We all know that, at a moment when others were husbanding their funds, or dealing them out with a very scanty hand, this man risked every thing for the public cause, and staked his private fortune in its support. It is to services thus rendered, that his present embarrassments may be traced. In consequence of them, he now calls on his country, not for charity, but for justice. It is known to everybody that these accounts of his have remained suspended for a number of years; that the amount of his claim was much larger than in these years the Government was at any time willing to allow. The Government assumed one principle as the basis of settlement—he, another. According to his statement of his case, a much larger credit was due than the Government was willing to give to him. On suit being commenced by the United States, for the balance alleged to be due by him, a jury of his country awarded a balance of account in his favor, to the amount of $139,000. Under these circumstances, he comes to Congress. They take his case into consideration, and what do they do? They provided for his relief, by the act of the last session, in the following words:

> "*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

Congress then referred the adjustment of his accounts to the officers of the Treasury, and imposed a further check on them by calling in the ultimate decision of the President of the United States. They authorized the settlement of his accounts, upon the principles of equity and justice. We are not here to examine what were the motives of every individual, who voted in favor of the act of the last session, but we are to take the law as it is. But, for one, said Mr. McLane, I am free to say that, if the gentleman limited his views of equity and justice to the affair of profit and loss—to the matter of balancing the account, his views were not the same as mine. Would the honorable gentleman say, whilst, on the one hand, he would allow the account to be balanced, he would not, on the other, pay any balance which might appear to be justly due to this individual? That, if he should appear to be indebted to the United States, we should pursue him, made poor in public service, with the hard hand of strict justice; but that, if the United States were found indebted to him, they should, with their abundant Treasury, not pay to him what is justly due? Congress could have had no other intention in the law of the last session, Mr. McL. said, than that, if a balance should be found to be due to Mr. Tompkins, it should be paid to him. Under the authority of our law, these accounts have been settled: the President has revised the settlement, and, in his opinion, a larger balance is due than has been allowed by the accounting officers. This bill goes no further than to give the sum which is certainly due, reserving the balance of the accounts for further investigation. No weight, Mr. McL. hoped, would be given to the consideration that, hereafter, more might be found to be due to the individual concerned than was now proposed to be granted to him. For myself, said he, I am free to declare that, if the accounting officer, under the direction of the President, should find an amount due to him equal to the amount of the verdict of the New York jury, I, for one, would freely vote it to him.

Mr. Livermore, of New Hampshire, observing that the gentleman last up had quoted only a part of the law of last session on the subject now before the House, called for the reading of the whole act.

The act was read accordingly.

Mr. Cocke, in reply to McLane, said that the argument to which the attention of the House had been called, did honor to the gentleman from Delaware; yet he could not but think that the honorable gentleman had been actuated more by his feelings on this subject than by the deliberate convictions of his understanding. He had commenced his speech by stating the many illustrious services performed by the individual whose relief is the object of the bill before the House. He was willing to admit those services in their fullest extent. But the gentleman, while detailing the meritorious services of Mr. Tompkins during the late war, had neglected to inform this House that, while thus engaged, he was at the same time receiving the pay and emoluments of a Major General. He had, indeed, performed services; but he had been fully rewarded. But, the gentleman from Delaware had told the House that the individual in question had given up his all for his country's service, and that his present distressed situation was the direct effect of such sacrifice. What evidence was there of this? He had never seen any proof of it. Besides, it must not be forgotten that he had unsettled accounts, also, with the State of New York, and that that State had contributed largely for his relief. He had always understood that the object of the aid solicited from Congress was, to relieve that gentleman from the pressure of a heavy demand against him by the United States, and which he was not in circumstances to settle. The latter part of the act which had been read, did not, he conceived, apply to the question before the House. He had, himself, no objections to relieve the Vice President, in consideration of his services, from demands which he was unable to meet. But, instead of this, we are now told that he is a creditor, and that to the amount of thirty or thirty-five thousand dollars. On what data was such a balance found in his favor? True it was, that the President had sanctioned it, and even gone far beyond it; but he had, at least in his opinion, taken matters into view which did not properly come before him. For himself, Mr. C. said, before he consented to any bill appropriating away the public money, he would inquire into the grounds of the grant—he would not take for granted the statement of any one. As to his notions of equity, they extended much farther than the gentleman from Delaware seemed to suppose—but, because we have now a little in the Treasury, shall we squander it? Shall we lavish it on every man that may choose to come and say, Oh! give me some of it? For his part, he would not. The gentleman had alluded to his severity of scrutiny, and complimented him on his vigilance in guarding the public money. I hope, said Mr. C., that that gentleman would be as guarded in his duty as he supposes I would be, in the examination of accounts.

Mr. CLAY (the Speaker) then rose and said, that, to him, it appeared that the considerations urged by the gentleman from Tennessee would have been in their proper place, if urged at the last session, but were certainly out of place at this time, when we are called upon, not to investigate a new claim, but to redeem the pledged faith of the public. On such a question, it was entirely unnecessary for the friends of the Vice President to refer to the public services, eminent as they had been, of the distinguished gentleman in question. This was not a fit occasion to introduce them. If the claimant were the meanest and the most obscure individual in society, the House were equally bound to pass that bill. For, what was it? The accounts to which it refers had long been pressing on the public for liquidation; they had at length been brought before this House; and, after deliberate consideration, an act is passed for their final settlement. The accounts were quietly examined and liquidated by the accounting officer. But, mark the precaution by which that act is characterized! Not only were those accounts to be submitted to the severe scrutiny of the most rigid officer of this Government—an officer whose scrupulous accuracy in the admission of accounts against the Government is as deservedly approved as it is universally known; but, after they had gone through the crucible, after they had been subjected to all the jealous scrutiny of this vigilant officer, they are to be submitted to the President for revisal. The President revises them, and then he sends to this House a Message, in which he declares, not only that he is satisfied that this balance is justly due, but that much more is due to him. Under such circumstances, all that is now asked is, that we shall pay so much as has been thus ascertained to be due. It is, in fact, to do nothing more than supply the defect of the act of the last Congress, in which, by some omission, no appropriation had been made to meet the balance, if, according to the provisions of that act, a balance should have been ascertained to be due to Mr. Tompkins. Now, what does the gentleman from Tennessee tell us? He wishes to know the ground of the settlement. He wants, in short, to settle this account himself—to see the basis on which the officers of the Treasury proceeded in coming to the decision which they have laid before the President.. This, Mr. C. said, might have been proper when the subject was under consideration at the last session; but Congress had committed the liquidation of these accounts to another tribunal. It had committed it to the accounting officers of the Government, gentlemen whose characters were unimpeached, and on whose accuracy, in this settlement, no reflections had been cast. The gentleman from Tennessee, whose vigilance over the Treasury was the admiration of the country and of the House, should have reserved the remarks with which he had favored the House, until the time when a final settlement of the demands of the Vice President on this Government is called up in this House; but now, when the sum reported is incontestable, when all the guards of the Treasury unite in declaring it justly due, when all that is asked is to supply a deficiency in the law of the last session, those remarks, however eloquent, would, he trusted, have no weight.

Mr. LIVERMORE said that he was opposed to the appropriation, and of course in favor of the amendment proposed. He had great respect for the individual concerned—no man cherished a higher opinion of his services; but the House was now called upon to decide a great question. The act of the last session empowered the officers of the Treasury to settle this account. The account was not settled—the President's Message expressly declares it remains unsettled. He has to be sure partially examined it, but that is all. Mr. L. said he was willing to pay as much respect to Executive recommendations as any man, but he wanted to see what was due. To use a familiar phrase, he did not like entering-wedges. Congress had been led on in this way on other occasions. In the case of the Cumberland road, for instance, the sum asked was small at first, but it grew larger and still larger, until, at length, it became intolerable; and Congress would vote no more for it. If he were sure the appropriations for the Vice President were to end here, he would vote the sum at once, but the House were threatened with a claim for other and larger amounts. The settlement had been delayed at the request of the claimant himself. He did not like to be led on blindfold, and wished to know at once how far he was to go.

Mr. Trimble said that he believed his worthy friend from New Hampshire was under some mistake in his conception of this subject. In ordinary cases of this description, a fund was provided out of which the public creditor, if his demand was just, and the documents in proof of it were regular and sufficient, received his due without further difficulty. But, if it should happen that his vouchers, though substantially evincing the justice of the demand, were wanting in due form, or were of a kind not admitted in settlement by Treasury rule, then an application to Congress was necessary, and Congress, when they knew such to be the fact, would order the account to be settled on principles of equity and justice; that is, as he understood it, without excluding valid evidence, though of an informal or irregular sort. This was a matter of every day occurrence. The case of Mr. Tompkins was one of this description; there were informal vouchers held by the claimant, which showed him to be justly entitled to what he claimed, and the question was not, now, whether the gentlemen from Tennessee and New Hampshire were to audit those vouchers; they had already been audited; but, by some omission, for which he was at a loss to account, there was no appropriation in the bill to meet the result of such settlement. The claim had, at the last session, been submitted to a committee, of which he had the honor to be a member, and he saw gentlemen near him who had been his companions in the same service. It had been carefully examined, and afterwards by law submitted to the Treasury officers. Those officers have reported that this balance is due. Now, I pray you, said Mr. T., when the account has, thus far, been settled, why is it not to be paid? The gentleman from New Hampshire had insisted that nothing should be paid until we knew the whole that we had to pay. But what would he say to a paymaster, for instance, who held a large amount of Government money—acknowledged himself to hold it—acknowledged it to be due—but who, having other accounts unsettled at the Treasury, should say to the Government, I owe you this balance, clear of all demands, but my other account is not settled, and I will not pay a dollar of what I owe you until I know all that I must pay on the final settlement? He believed the gentleman would call such a paymaster a dishonest man. But why is Government to be bound by different rules in paying its debts from those which bind an honest man? He said this in illustration merely, intending no reflection on the purity of the motives of those who opposed the bill. On the subject of delay, charged upon the Vice President, Mr. T. said he could not but feel something approaching to indignation at the delay which had already taken place. So far was Mr. Tompkins from seeking such delay, that he had claimed his due, he would not say from day to day, but from year to year. His proofs had been submitted to the committee. Mr. T. had personally and attentively examined them, and averred that they did completely establish the debt he claimed. I will not go into details, said Mr. T., but I do say that *Daniel D. Tompkins never was indebted to this Government;* and I say so after a full examination of the subject. He could not go further into the subject without expressing more feeling than was becoming in him, or perhaps than was respectful to the committee. But he could not close, without repeating the declaration of his entire conviction that there never was a juster claim presented against any Government. He believed it as much as he believed he had a soul to be saved; he was as sure of it as that he was now addressing the committee. The payment of it was due to the claimant—it was due to the American people—it was due to the good faith and the honor and honesty of the Government.

Mr. Livermore rose again, and said, that he was sorry to intrude a second time upon the attention of the Committee; but, he understood that the gentleman opposite had risen for the purpose of correcting his mistake, and he had listened very attentively through his eloquent speech to hear what mistakes he had corrected—he could find none. But, said Mr. L., that gentleman has greatly mistaken me, if he thinks I do not as highly appreciate Daniel D. Tompkins's services as himself, or as any gentleman on this floor—but Mr. L. still insisted that it was time enough to pay an account, when the account had been finally settled. As to the delay of the final settlement, the President expressly said this delay was at the request of the claimant himself. [Here he read a passage from the President's Message.] Who's mistaken now? said Mr. L., as he took his seat.

Mr. Wood, of New York, said he did not rise to go into the merits of the original claim of the individual whose case was now under consideration, being of opinion with the Speaker that, after its principle was once settled, it ought not to be a second and third time discussed in this House. The same objection which is now made was made at the last session. The House, with its eyes open, and with a perfect conviction of the rectitude of the claim, passed a law for its adjustment. The usual course, in such cases, is to include in the bill a provision for the payment of what may be due to the claimant. If that course had been pursued this year, what would have been the result? The amount due would have been paid by a Treasury warrant the moment it was ascertained. Did the omission of such a provision bring the principle of the act of last session back to this House for consideration? No! the right of the individual concerned was complete and perfect the moment the President had passed upon the settlement which had been made by the accounting officer. It was a vested right beyond the power of this House. If this was not the case, no reliance could be placed upon the plighted faith of this House or of the nation. Mr. W. made some further remarks in reply to Mr. LIVERMORE, and concluded by expressing his hope that there would be an unanimous vote in favor of this grant.

The question was then taken on striking out the enacting clause of the bill, and decided in the negative, by a large majority.

Mr. COCKE then moved an amendment to the bill, the object of which was to declare that the amount now appropriated should be *in full* of the claim of Mr. Tompkins.

The amendment was also negatived, by a decided majority; and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. TAYLOR introduced a joint resolution for the appointment of a joint Committee on the Library of Congress; which was twice read, and ordered to be engrossed for a third reading. And then the House adjourned.

FRIDAY, December 12.

Another member, to wit, from New Hampshire, ICHABOD BARTLETT, appeared, was qualified, and took his seat.

A message from the Senate informed the House that the Senate have elected the Rev. WILLIAM STAUGHTON a Chaplain to Congress, on their part, during the present session. They have passed a resolution for the appointment of a joint committee, who shall have the direction of the money appropriated to the purchase of books and maps for the Library of Congress; also, a resolution for the appointment of a joint committee to make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses of Congress may require; in which resolutions they ask the concurrence of this House.

Mr. OWEN presented a petition of the Mayor and Aldermen of the city of Mobile, in the State of Alabama, praying for a grant of the lots belonging to the United States lying within the limits of said city.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d February, 1823, upon the subject of fortifications at Mobile Point and Dauphin Island; together with the Message from the President of the United States communicated to this House on the 28th March, 1822, upon the subject of fortifications at the same places, was referred to the Committee on Military Affairs.

Mr. CONWAY presented a petition of the General Assembly of the Territory of Arkansas, praying that a quarter section of land may be granted to each of the counties of Hempsted, Miller, and Crawford; to be improved and occupied as the seats of justice of the said counties. Referred to the Committee on Public Lands.

Mr. THOMPSON, of Georgia, presented a document in support of the claim of Thomas Carr, and others, commissioners, appointed by Georgia, to examine and survey the lands in the Big Bend of Tennessee river, being the original grant to Stephen Heard; which was referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, requesting that lands which have been offered at public sale, may be entered in fourth-quarter sections, was referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, in behalf of such purchasers of public lands as had made full payment prior to the passage of the relief law, was also referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, so much of the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, as recommends that a right of pre-emption be extended to settlers in Jackson and Decatur counties, in the purchase of lands, including their improvements, was also referred to the Committee on the Public Lands.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred, on the 8th instant, a memorial of the General Assembly of the Territory of Arkansas, reported a bill authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same; which bill was read, amended, and ordered to be engrossed, and read the third time to-morrow.

The Committee of Ways and Means were discharged from the further consideration of the petition of Neal Munn and John McKellar, and it was referred to the Committee on the Public Lands; the said committee was discharged from the further consideration of the memorial of the General Assembly of the Territory of Arkansas, respecting the lands occupied by the Quapau Indians, and it was referred to the Secretary of War.

On motion of Mr. HERRICK, the Committee on Commerce were instructed to inquire into the expediency of establishing the town of Bowdoinham, in the collection district of Bath, in the State of Maine, a port of delivery.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of the Levy Court of the county of Calvert, in the State of Maryland, which was read, and ordered to lie on the table.

Mr. Bradley was excused from serving on the Committee on the Public Lands, and Mr. Whipple was appointed in his place.

Mr. Fuller submitted the following resolution, viz:

Resolved, That the President of the United States be requested to communicate to this House a plan for a Peace Establishment of the Navy of the United States.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. Cobb, the Committee of Ways and Means were instructed to inquire into the expediency of repealing so much of the laws of the United States as imposes a duty on imported salt.

On motion of Mr. Tomlinson, the Committee on Commerce were instructed to inquire whether it be expedient so to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage," as to abolish the office of measurer; to provide that the duties heretofore performed by the measurers, in virtue of said act, shall be performed by the inspectors; and to prohibit the allowance of any additional compensation to inspectors for measuring.

On motion of Mr. Test, the Committee on the Public Lands were instructed to inquire into the expediency of reducing the price of all the unsold lands in the State of Indiana, lying east of a line drawn from the mouth of the Kentucky river, northwardly to Fort Recovery, near the headwaters of the Wabash river. Also, all the unsold lands in said State, included in a purchase made by the United States of the Delaware, Pottawatomie, Miami, and Eel river tribes of Indians, by treaty concluded at Fort Wayne, by William Henry Harrison, as agent of the said United States, and the last mentioned Indians, bearing date the 30th day of September, in the year 1809, immediately adjoining to, and lying westwardly, along the aforesaid line, running from the mouth of Kentucky river to Fort Recovery.

On motion of Mr. Whipple, the Committee on Military Affairs were instructed to inquire into the expediency of amending the act making provision for arming and equipping the militia of the United States, passed April 3, 1808, so that the arms provided by virtue of said act, and transmitted to the several States and Territories of the United States, shall, by each State and Territory, be deposited, and kept, in proper arsenals, to be provided by said State or Territory, ready to be delivered to the militia thereof, only when called into the actual service of the United States, or of the State or Territorial government, and to be returned to such place or places of deposite when said service shall cease.

On motion of Mr. Cushman, the subject of the public buildings and the public lands in the city of Washington, was refered to a select committee; and Mr. Cushman, Mr. Van Wyck, Mr. Cassedy, Mr. Brown, Mr. Hobart, Mr. Bartlett, and Mr. Dwinel, were appointed said committee.

Mr. Cook submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House all the information in his possession, tending to show the circumstances connected with a recent robbery of the land office at Vandalia, in the State of Illinois; and the justice of releasing the receiver of public moneys from his liability to the Government for the said robbery.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. Conway, the Committee on Indian Affairs were instructed to inquire into the expediency of establishing three additional agencies west of the Mississippi.

On motion of Mr. Isacks, the Committee on Military Affairs were instructed to inquire into the expediency of so amending the several laws allowing a bounty to enlisted soldiers or their heirs, and, also, the laws authorizing the commutation of the land bounty for half pay, that the same bounty in land, or the allowance of half pay, may be extended to the children of such soldiers, who may have been regularly enlisted, but who may have fallen in action, or died before they had been mustered into service, as, by law, is allowed in other cases.

The resolution from the Senate for the appointment of a joint committee, to have the application of the money appropriated for the purchase of books, &c. for the Library of Congress, was read and concurred in by the House; and Mr. Smyth, Mr. Bradley, and Mr. Poinsett, were appointed of the said committee on the part of this House.

Ordered, That the Clerk do acquaint the Senate therewith, and that the resolution of this House, for the same purpose, do lie on the table.

The resolution from the Senate, authorizing the appointment of a joint committee, to make such distribution of the rooms of the centre building of the Capitol as the business and convenience of the two Houses of Congress may require, was read, and concurred in by the House; and Mr. Taylor, Mr. Cuthbert, and Mr. Condict, were appointed of the said committee on the part of this House.

An engrossed bill, entitled "An act appropriating a certain sum of money for the relief of Daniel D. Tompkins," was read the third time, and passed.

The House adjourned to Monday.

Monday, December 15.

Another member, to wit, from Virginia, Burwell Bassett, appeared, produced his credentials, was qualified, and took his seat.

Mr. Eddy presented a petition of a committee appointed by, and acting in behalf of, those who are interested in the manufacture of wool, in the State of Rhode Island and vicinity thereof, praying that an addition of twelve and a half per cent. may be added to the duty imposed on imported manufactures of wool, together with a further countervailing duty, should the British Government allow a drawback on the export duty imposed in that country; which petition was referred to the Committee on Manufactures.

Mr. SHARPE presented a memorial of Archibald Gracie, of the city of New York, merchant, of the same tenor and effect with the memorial presented by Mr. HEMPHILL, on the 8th instant, from merchants and underwriters in the city of Philadelphia, respecting the unlawful and injurious operation of the Berlin Decree of France; which first mentioned memorial was also laid on the table.

Mr. FORSYTH presented a petition of Major Henderson, of the State of Georgia, praying compensation for two horses impressed into the military service of the United States, in the war against the Seminole Indians, in the year 1818, and which were never returned to him.—Referred to the Committee of Claims.

Mr. GATLIN presented a petition of sundry merchants, mariners, and others, inhabitants of Edenton, in the State of North Carolina, praying that the floating light, stationed near Shell Castle, may be removed to the point of Nine-foot Shoal, on the channel leading into Teach's Hole; or that a new light may be provided at said point; which petition was referred to the Committee on Commerce.

The SPEAKER presented a memorial of Alfred H. Powell, contesting the election and return of Jared Williams, as one of the representatives in this House from the State of Virginia, and praying to be admitted to a seat in the place of said Williams; which memorial was referred to the Committee of Elections.

The SPEAKER laid before the House a communication from the Secretary of War, accompanied with a list of licenses granted to Indian traders; also, his report on the claim of Joseph Mareschall.

The SPEAKER also laid before the House a letter from the First Comptroller of the Treasury, transmitting a list, received from the Register of the Treasury, of the balances on the books of receipts and expenditures, which appear to have been due or unsettled more than three years prior to the 30th September last; prepared in obedience to the acts of the 3d March, 1809, and 3d March, 1817; which letter and list were laid on the table.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the cases of Robert Henry and James Mitchell, reported a bill supplementary to an act, approved on the 3d day of March, 1819, entitled "An act providing for the correction of errors in making entries of land at the Land Offices;" which bill was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to whom the subject was referred, by resolution, on the 9th instant, reported a bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and Miami of Lake Erie; which bill was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the Committee on Roads and Canals, reported a bill, entitled, "An act to procure the necessary surveys and estimates on the subject of roads and canals;" which, having been twice read, he proposed to refer to the Committee of the Whole on the state of the Union.

Mr. TAYLOR, of New York, objected to giving this direction to the bill, as being an incorrect practice on principle, and suggested, as preferable, to refer it simply to a Committee of the Whole, putting it in the ordinary routine of business.

Mr. HEMPHILL adhered to his motion, on the ground that no subject could be of a more general and public interest to the whole nation, than that of this bill.

The question being taken on referring it according to Mr. HEMPHILL's motion, it was decided in the negative—ayes 76, noes 78. And the bill was referred to a Committee of the Whole.

The following resolution offered on Friday last, by Mr. COOK, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House all the information in his possession, tending to show the circumstances connected with a recent robbery of the land office at Vandalia, in the State of Illinois; and the justice of releasing the receiver of public moneys from his liability to the Government for the sums lost by said robbery.

This resolution was agreed to, *nem. con.*

The following resolution, offered on Friday, by Mr. FULLER, was taken up:

Resolved, That the President of the United States be requested to communicate to the House a plan for the Peace Establishment of the Navy of the United States.

This resolution, also, was agreed to, *nem. con.*

The engrossed bill, entitled "An act to authorize the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," was read the third time, and passed.

On motion of Mr. SHARPE, the Committee on Manufactures were instructed to inquire into the expediency of imposing a duty upon merchandise sold at public auction.

On motion of Mr. CALL,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing for the survey and sale of the public lands in the Territory of Florida.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of extending the time limited for the settlement of private land claims in East and West Florida.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting donations, or pre-emption rights to certain actual settlers in the Territory of Florida.

Mr. POINSETT submitted the following:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing the construction of ten additional sloops of war.

Mr. POINSETT said, he was induced to offer this resolution to the consideration of the House, from an earnest desire to see our Navy rendered efficient and capable of maintaining the high reputation which it has so gallantly and nobly won. If we would have fleets of line of battle ships and frigates in readiness to be poured forth against an enemy, at the commencement of a war, we must rear up officers capable of commanding them. As our Navy is now constituted, we shall be compelled, in the event of war, to confide the command of our ships, the safety of our gallant seamen, and the honor of our flag, to inexperienced officers; to men, who have been for years, on shore, forgetting what they had formerly learned. We have now five sloops of war and thirty masters commandant, so that an officer cannot hope to be employed oftener than once in six years. To have an efficient Navy, the proportion between sloops of war and line of battle ships and frigates must be preserved; and I trust, said Mr. P. that the subject will receive from the committee the consideration its importance deserves.

The resolution was agreed to.

Mr. Mercer presented the following resolution, which lies one day of course:

Resolved, That the Secretary of the Navy be directed to transmit to this House a list of the officers of the Navy of the United States, denoting the periods of their admission into the public service; the dates of their present commissions, and the time of their actual service at sea since the 1st of January, 1815.

Mr. Allen, of Tennessee, submitted the following:

Resolved, That the Postmaster General be directed to lay before this House a list of the post offices, designated "distributing offices," in the several States and Territories; also, the duties required to be performed by deputy postmasters at such offices; with the regulations adopted for securing a direct conveyance to letters, &c., destined for offices on intermediate post routes.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. Mercer, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of associating with the Military Academy at West Point a school of instruction for the midshipmen of the Navy of the United States.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of securing, in the medical department of the Navy, the benefits of professional skill and experience, by a due apportionment of the pay of the surgeons and their mates, to the time of their actual service, and by requiring an examination, by a board of physicians, of all persons applying for admission therein.

On motion of Mr. Wickliffe, the Committee on the Public Lands were instructed to inquire into the expediency of reviving, and continuing in force, the provisions of an act of Congress, entitled "An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820."

On motion of Mr. Wayne, the Committee on Commerce were directed to inquire into the expediency of imposing a duty on wheat imported from any foreign country, or its dependencies.

On motion of Mr. Stewart, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing Bartholomew Maloy, an old soldier, on the pension list.

On motion of Mr. McKim, the Committee of Ways and Means were instructed to inquire into the expediency of permitting all goods, wares, and merchandise, imported, to be secured in warehouses, or other approved places, at one port of entry in each State of the United States, without payment, or securing the duties thereon, at the first entry thereof.

On motion of Mr. Stewart, the Committee on the Cumberland Road were instructed to inquire into the expediency of making a suitable appropriation for the erection of a bridge over the Monongehala river, where the said road crosses the same, at Brownsville.

Tuesday, December 16.

Another member, to wit, from New York, Albert H. Tracy, appeared, was qualified, and took his seat.

Mr. Cambreleng presented a memorial of the Mayor, Aldermen, and Commonalty of the city of New York, praying, for reasons set forth at large in the memorial, that the ground on which Castle Clinton and the bridge leading to it now stands, and also, the ground conveyed by them to the United States, on each side of the said bridge, together with said Castle Clinton, as the same now stands, may be reconveyed to them; which memorial was referred to the Committee on Military Affairs.

The Speaker laid before the House sundry documents in relation to the contested election of Jared Williams, one of the representatives for the State of Virginia; which were referred to the Committee of Elections.

Mr. Webster, from the Committee on the Judiciary, who were instructed to inquire into the propriety of giving concurrent jurisdiction to the supreme or superior court of laws, of the respective States, in cases arising under the act, entitled "An act to extend the privilege of obtaining patents for useful inventions and discoveries, and to enlarge and define the penalties for violating the rights of patentees," reported, that it is not expedient to make such provision; which report was ordered to lie on the table.

Mr. Hemphill, from the Committee on the Cumberland Road, reported a bill for the preservation and repair of that road; which bill was read, and committed to a Committee of the Whole.

Mr. Crowninshield, from the Committee on Naval Affairs, to whom the subject has been referred, reported a bill for the relief of Sarah Perry; which was read, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. Mercer, was taken up for consideration; and, after a few observations from him explanatory of his objects in moving it, the resolution was agreed to.

On motion of Mr. Plumer, of New Hampshire, the Committee on Military Affairs were instructed to inquire into the expediency of providing, by law, for the final settlement, on principles of equity and justice, of the claims of the State of New Hampshire against the United States, for militia services during the late war with Great Britain.

The resolution yesterday offered by Mr. ALLEN, of Tennessee, calling for a List of Distributing Post Offices, was taken up and agreed to.

On motion of Mr. STRONG, the Committee on the Public Lands were instructed to inquire into the expediency of establishing a Surveyor's office in each of the States and Territories in which the public lands of the United States are situated.

Mr. ALLEN, of Massachusetts, laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Postmaster General be directed to lay before the House, a statement of the number of miles of post roads, existing by law in each State and Territory, for each of the three years next preceding the first of April last; the number of miles of said road whereon the mail was actually carried in each of those years, together with the yearly expense of transporting the mail; the yearly compensation of postmasters, and the incidental expenses thereon. Also, a statement of the amount of postage which accrued in each State and Territory in each of those years; the yearly receipts therefrom; the yearly balances for and against them, respectively, and the balances of postage which accrued in each of said years, now due and in arrears.

Mr. RANKIN laid on the table the following resolution, for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to furnish this House a particular statement, containing the names of any receivers of public moneys in the land offices of the United States, who may have failed to make their returns and payments of public money, according to law, or when required by the Treasury Department; the amount due from such receivers, severally; the time when the same ought to have been paid to the Government; the measures adopted to punish any such delinquency and coerce the payment; and the names of the places where such offices are situated.

Mr. OWEN laid on the table the following resolution, for consideration on to-morrow:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the sums of money that have been received in the Treasury from the two per cent. fund, payable on the sales of public lands in the States of Missouri, Illinois, Indiana, Ohio, Mississippi and Alabama, designating the yearly and total amount paid in from each of said States; and how much money has been advanced by the General Government, for the repayment of which these funds, or any of them, are pledged; also, the yearly and total amount in each of the above named States, arising from the three per cent funds payable on the sale of public lands, and what sums, if any, have been advanced to each of said States, of the three per cent. funds.

On motion of Mr. VAN WYCK,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of repealing that part of the law, passed in 1822, establishing a post route between St. Augustine and Pensacola, in the Floridas.

Resolved, That, inasmuch as the Postmaster General, in his report, states, that, unless otherwise instructed by Congress, he must necessarily, in the fulfilment of that law, close a very disadvantageous contract, that it be advisable for the committee to report specially, and as soon as convenient.

The House then went into a Committee of the Whole, on the bill for the relief of Charles M. Collier. The report of the Committee of Claims thereon having been read, the Committee rose and reported the bill without amendment; and the bill was ordered, without opposition, to be engrossed for a third reading.

On motion of Mr. HEMPHILL, the consideration of the bill providing for the obtaining of surveys and plans on the subject of roads and canals, was made the order of the day for the tenth of January.

GRANTS OF LAND FOR EDUCATION.

Mr. KENT moved that the House do come to the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of making such an appropriation of the public lands to the purposes of education, in those States to which no grants have yet been made, as will correspond, in a just proportion, with the appropriations which may have been made heretofore, in favor of those States; and that said committee have leave to report by bill or otherwise.

Mr. KENT said, he offered the resolution just read, not only from the importance of the object embraced by it, but because certain resolutions which had passed the Legislature of the State of which he was a representative, had been presented to the last Congress, and not finally acted on. His object in calling the attention of the House to the resolution at this time, was, to obtain their decision on it, if favorable, that the State of Maryland, and those States equally interested with her, might derive the contemplated advantages from it; but if, contrary to their just expectations, the decision should be unfavorable, that they might turn their attention to some other source for the promotion of the important purposes of education. He would mention, for the information of the House, that Maryland was not singular in adopting the principle contained in the resolution; that it had received, after a deliberate examination, the approbation of the Legislatures of several of the States—the disapprobation of but few. Mr. K. hoped the resolution would be adopted, that the subject might be fully examined.

The question being on agreeing to the resolve,

Mr. RANKIN observed, that a similar proposition to that now offered had been brought forward by the gentleman from Maryland, at a former session of Congress; and he regretted that it had not, now, been thrown into the same form as when before offered. It was then presented in an affirmative shape, which afforded facility for a more direct and immediate discussion of the merits of the proposition by the House. He was opposed to the reference of this inquiry to a select committee, if it went to a committee at all; not on any special, but on a general principle. It was the well-known and universal usage, in appointing select committees, to compose them of the known friends of the measures proposed; in consequence of which only an *ex parte* view of subjects was presented to the House in the reports of the committees, and time was consumed in obtaining, by discussion, the views of gentlemen of the opposite opinion. But, a standing committee was a sort of general tribunal, composed neither of the friends nor the opposers of any particular measure—such a committee was likely to present a more general view of subjects committed to their consideration, than a select committee; and, should they report against any particular measure, its advocates had still their appeal to the House, and full liberty to discuss its merits. He thought the subject of the resolution had better be referred to the Committee on Public Lands—not because he happened personally to be connected with that committee, but because the nature of the object embraced by the resolution seemed naturally to belong to it.

Mr. Cook considered the resolution, though on the face of it merely proposing an inquiry, to involve principle, inasmuch as the expediency of any inquiry into the subject must depend upon the supposed existence of a fact which is denied—namely, the fact that grants of land have been made, without an equivalent, to some of the States, and not to others. This, Mr. C. said, was a position which he, for one, denied. If the object of the gentleman from Maryland was to create a fund for the promotion of education, let it be abstract, and not based upon a supposed fact which does not exist. Let the fund apply equally to all the States of the Union, without attempting to discriminate between the new and the old States. He objected, however, to the reference of the resolution to any committee in its present form, because it took for its basis that which was, in point of fact, untrue.

Mr. Jennings said, he apprehended the resolution was not very well understood by the House. It certainly was not by him, judging from the remarks which had been made upon it. For further examination of it, he moved that the resolve lie on the table, and be printed.

Which motion was agreed to.

Wednesday, December 17.

Another member, to wit: from Pennsylvania, Henry Wilson, appeared, was qualified, and took his seat.

Mr. Hemphill presented a memorial of a meeting of the Synod of Philadelphia, embracing the Presbyterian Churches in the southwestern part of New Jersey, the Eastern District of Pennsylvania, the States of Maryland and Delaware, and the District of Columbia, convened at Georgetown, in said District, in October, 1823, praying for an increase of the annual appropriation for civilizing the Indian tribes and introducing the knowledge of letters among them; which memorial was referred to the Committee on Indian Affairs.

Mr. Poinsett presented a memorial of sundry banking institutions in Charleston, in South Carolina, and of sundry inhabitants of the same place, praying for a repeal of the 14th section of the Act incorporating the Bank of the United States, by which the bills of that bank, without reference to the place where issued, are made every where receivable in all payments to the Government.—Referred to the Committee of Ways and Means.

Mr. McLane, of Delaware, from the Committee of Ways and Means, made a report on the petition of Orange Heaton, and Josiah Hubbard, jr., which was read, and the resolution therein submitted concurred in, viz: that the prayer of the petitioners ought not to be granted.

Mr. McLane, from the same committee, also made a report on the petition of Jacob Babbitt, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Williams, of North Carolina, from the Committee of Claims, reported a bill for the relief of Jeremiah Manning; which was read twice, and committed to a Committee of the Whole.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Jacob Shafer, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

A message from the Senate informed the House that the Senate have passed an act, entitled "An act for the relief of persons imprisoned for debt," in which they ask the concurrence of this House.

Mr. Cocke submitted the following resolution, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House copies of all contracts for cannon, cannon shot, muskets, and other small arms, for the use of the United States, which have been entered into since the 1st January, 1820, and that he state whether notice for proposals was given for each contract in any newspaper, if so, in what paper, and how long before the contract was concluded; who are interested in each, ostensibly, or as secret partner, so far as he may have been informed or believes.

On motion of Mr. Strong, the Committee on Naval Affairs were instructed to inquire into the expediency of selling the schooners and vessels purchased under the act, entitled "An act authorizing an additional naval force for the suppression of piracy."

On motion of Mr. Hayward, the Committee on Post Offices and Post Roads were directed to inquire into the expediency of repealing the 4th and 5th sections of an act of Congress, passed on the 27th of February, so far as the same relate to the conveyance of letters and packets, by steamboat packets, and other vessels, not employed by the Postmaster General in transporting the mail of the United States.

On motion of Mr Lathrop, the Committee of Ways and Means were directed to consider the expediency of enlarging the terms on which the Commissioners of the Sinking Fund, under the fifth section of the act passed March 3, 1807, entitled "An act to provide for the redemption of the public debt," may purchase that portion of the public debt which will become reimburseable on the 1st day of January, 1825.

On motion of Mr. Call, the Committee on Commerce were instructed to inquire into the expediency of excluding foreign wreckers and fishermen from wrecking and fishing within the jurisdiction of the United States, on the coast of Florida; and further, to inquire into the expediency of giving encouragement and protection to the American wreckers on the coast of Florida.

On motion of Mr. Storrs, the Committee of Ways and Means were instructed to inquire into the expediency of providing by law for compensation for a private Secretary to the President of the United States.

On motion of Mr. Rankin, the Clerk of this House was directed to prepare and lay before the House, so soon as it can be conveniently done, a complete index to all the printed volumes which contain the communications of the President of the United States, and of the several Departments of the Government, to Congress, and the reports of the Committees of Congress.

An engrossed bill, entitled "An act for the relief of Charles M. Collier," was read the third time, and passed.

The order of the day on the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie, being called, it was postponed until the second Monday in January next.

The order of the day on the bill for the relief of Sarah Perry, being called, it was postponed until Monday next.

The resolution yesterday offered by Mr. Allen, of Massachusetts, calling on the Postmaster General for certain details of his Department for the last three years, was called up, and agreed to.

The resolution yesterday offered by Mr. Rankin, calling for a list of the defaulters in the land offices of the United States, was taken up, and agreed to.

The resolution yesterday offered by Mr. Owen, calling for a statement of the amount and application of the two per cent. and three per cent. funds payable out of the sales of public lands in the Western and Southern States, was taken up, and agreed to.

CHESAPEAKE AND OHIO CANAL.

Mr. Little, of Maryland, offered for consideration the following resolution:

Resolved, That the Committee on the Chesapeake and Ohio Canal be instructed to inquire into the expediency of authorizing the employment, under the direction of the President, of a part of the corps of engineers, in surveying the grounds and ascertaining the best route in uniting the waters of the Ohio with the Chesapeake, by way of the Susquehannah river.

Mr. Mercer suggested that the object intended to be obtained by the resolution, was included in the general provisions of the bill reported yesterday by his honorable friend from Pennsylvania, (Mr. Hemphill,) and which is made the order of the day for some time in January next; but, if any special provision on this subject was desired by the honorable mover, he had only to add a small sum to the appropriations for the quartermaster's department, for the purpose of covering the incidental expenses of the survey; for the President of the United States has already as full power as any vote of this House could confer upon him over the whole corps of topographical engineers, and is fully competent to order the investigation proposed by the resolution of the honorable gentleman from Maryland.

Mr. Little said that he had imperfectly heard the gentleman from Virginia, but he would state the reasons which induced him to submit the resolution. Last year the Legislature of Maryland appointed commissioners to survey the course of a part of the Susquehannah river, with a view to the rendering of it navigable. These commissioners, in the report, notice the waters of the Juniata, and their connexion with the waters of the West. That part of the President's Message which refers to the subject of connecting the Chesapeake and Ohio, speaks only of the Potomac. It was his object in this resolution, Mr. L. said, to direct the attention of the committee mentioned in it to the waters of the Susquehannah, as presenting an eligible mode of connecting the bay and the Ohio. It proposed simply an inquiry—gentlemen by voting for it would commit themselves to no measures; and if, after hearing the report of the committee, they disapproved of the object, they were under no obligation to embrace the plan.

Mr. Condict observed, in support of the ground taken by Mr. Mercer, that it was known to him that, during the last Summer, General Bernard, with other persons, was occupied in exploring and surveying, under the direction of the President, the different routes for the canal to connect the waters of the Delaware and the Hudson, and for other proposed canals. He thought the resolution, therefore, unnecessary, as the Secretary of War had full power to employ the same gentlemen on the route now proposed.

Mr. Mercer was sorry he had not been perfectly heard, but the gentleman from Maryland must distinctly perceive, that his objections were directed against the policy of legislating unnecessarily on this subject. The President possesses already as much power as Congress can give him over the whole army, and over the topographical engineers, as a part of our Military Establishment; and all that was necessary was to provide for the payment of the expenses of a few packhorses, or other modes of transportation. But he objected to the whole resolution, because the ground of it was already covered by the bill brought in by the gentleman from Pennsylvania, and because the committee had no need of instruction, being already generally in possession of the whole subject, by the terms of their appointment.

Mr. Little said he was not disposed to press the resolution to a decision now. He had thought it perfectly in order to move it, since the President, in his Message, expressly recommended the general subject to the attention of Congress.

The resolution was, with the consent of the mover, laid upon the table.

ERRORS IN THE LAND OFFICES.

The House went into a Committee of the Whole on the bill supplementary to an act approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."

[This bill enacts, "That, where any mistake may have been made, or may hereafter be made, by any purchaser of the public lands, in designating the tract intended to be purchased, such person may exhibit his own affidavit, and such other evidence as may be in his power, showing the mistake to the register or receiver of the district in which the purchase was made; and the register and receiver shall transmit the evidence submitted to them in any case, together with their written opinion or opinions on the subject, to the Commissioner of the General Land Office, who, on an examination of the facts, shall be authorized to change the entry, and transfer the payment to the tract intended to have been entered, if unsold; but, if sold, to any other tract liable to entry: *Provided,* He shall be satisfied that a mistake has been made."]

Mr. Rankin, of Mississippi, the Chairman of the Committee on Public Lands, who had reported the bill, observed that the act of 1819, on the subject of correcting errors in the land offices, had given power to the Commissioner of the General Land Office to correct only such erroneous entries as arose from wrong marks having been attached to tracts of the public land sold. Under this act, some cases of peculiar hardship had arisen, which it was not in the power of the land office to correct. New settlers, ignorant of the country, and of the quality of land in the different tracts, were in the habit of applying to their neighbors, who were already settled, for directions, and they had sometimes received mistaken information, by which they were induced to purchase land which proved entirely worthless. The bill now before the Committee was intended to provide for cases of this description, where errors had taken place without any fraudulent design in the parties concerned.

Mr. Cook, of Illinois, then rose, and said, that, when the subject of this bill was before the Committee of Public Lands, he happened to be in such a state of health as not to be able to attend the committee. He now proposed an amendment, which he said embraced a class of cases of equal merit with that provided for by the bill. He, himself, knew of but one case of the sort, but there might be others. The case was this: The law of 1820, which authorized the surrender of lands by the purchasers, in certain cases, gave rise to a great deal of business in the land offices, and persons having business with them were, in many cases, obliged to transact business by means of agents or deputies. It thus happened, in the case to which he had particular reference, the land which the purchaser intended to retain was relinquished, and that which he wished to relinquish was retained, though, compared with the other, unimproved, and of inferior value. This was a mistake which the register and receiver did not feel themselves authorized to correct, though apprized of it the next day after it happened, and perfectly willing to have done it, had it been in their power. The amendment he offered was intended to provide for cases of this description.

After some conversation, this amendment of Mr. Cook was negatived.

Mr. Campbell, of Ohio, offered the following, to be added as an amendment to the bill:

Provided also, That if a patent shall have issued for the tract so erroneously entered, the patentee shall, by a deed duly executed, relinquish to the United States all his right to the same.

In supporting his amendment, Mr. C. observed that doubts had been entertained whether, if an error were discovered after a patent for the land had been granted, it could be corrected without a special act of Congress for the purpose. The present bill, he thought, should make provision for such a case, that a provision so important should be suitably guarded.

Mr. Rankin observed, in reply, that as cases of this description would probably be few, it would, perhaps, be most expedient to leave them to be provided for individually, and not to make a general rule which might, if extended so far, be liable to abuse.

Mr. Campbell said that the gentleman from Mississippi must be aware that, under what was usually denominated the "prompt payment system," the purchaser of the public lands was obliged to make immediate payment for the land he bought of Government, and the patent was issued very shortly afterwards. It was but fair if an error had innocently taken place in the description of his lot, it should be corrected, even after the patent had issued. If provision was made to correct such an error, however, by granting to the purchaser the lot as truly described, Mr. C. added, it was also no more than fair that he should, by a valid deed, reconvey to the United States the lot which he held under the erroneous patent; else, it might happen that he would hold the fee of two lots, when he had paid for only one.

The question being then taken on the amendment of Mr. Campbell, it was carried in the affirmative—Ayes 82.

Mr. Wright, of Ohio, then proposed an amendment to meet a case of an opposite description, where the settler had, through error, been obliged to pay more than once the purchase-money for land bought of the United States. The amendment in such case proposed to require the Secretary of the Treasury to refund the amount overpaid, without the intervention of any special act of Congress for that purpose.

Mr. **RANKIN** said, he did not readily perceive how a case could occur, under the present system for disposing of the public lands, such as that for which the amendment of the gentlemen from Ohio, was intended to provide. But, if such an error should occur, it might, by the provisions of the present bill, be corrected by the register and receiver of the land office concerned.

Mr. **ROSS**, of Ohio, rose to suggest to his colleague a doubt whether it was competent to the House to incorporate into the bill a general provision of this description, the object of which is to enable the Secretary of the Treasury to refund money which, having been overpaid by a purchaser of public land, has actually gone into the Treasury. There would be some danger in encouraging a license of this kind; and, besides, Mr. R. said, if he understood the matter correctly, money cannot constitutionally be drawn from the Treasury without previous special appropriation by law. Looking at the proposition in this light, he felt some scruples in voting for it.

Mr. **WRIGHT** said, it was perhaps true, as suggested by the gentleman from Mississippi, that cases of this description cannot occur under the present system for disposing of the public lands. But cases of the kind had occurred heretofore, one of which, being within his knowledge, had induced this motion. It was not his wish, however, to embarrass this bill, and if the gentleman thought such would be the effect of pressing the amendment, he would withdraw it, and offer it hereafter as a separate proposition.

Mr. **RANKIN** thought that the suggestion of his friend upon the right (Mr. **ROSS**) was a very important one, and entitled to great weight with the Committee. It was a principle of the utmost consequence to guard against any appropriation of money from the Treasury but by special acts of Congress. If, however, the gentleman who moved the amendment considered that the object intended by it was of pressing moment, he hoped that he would present it in some form before the House, other than that of an amendment to this bill, which it was calculated to embarrass.

Mr. **WRIGHT** assented, and withdrew his amendment.

Mr. **SANFORD**, of Tennessee, was opposed to the bill in its present form. Great impositions had been already practised upon Government by purchasers of public lands; and he feared, if the bill should pass as it at present stood, those impositions would be multiplied. Settlers were in the habit of purchasing lands, from the accounts and descriptions given them by their friends. When they came to the land they had bought, they often found those descriptions had not been correct, and they would change the tracts they had fairly purchased for others they liked better—an arrangement by which the Government was defrauded. He offered, with a view to prevent such impositions, an amendment, which he thought calculated to guard against it.

Mr. **RANKIN** said, that the amendment was wholly unnecessary, the entry of land being always made after the sale, and not before it. It was very true that frauds might be practised under the system as it now stands, but, if so, it must be by perjury either of the purchaser himself or of the public officers. Such abuses, however, formed no just objection to a general provision for the relief of those who really suffer by accidental errors, &c. This bill, having that object in view, had undergone the strictest scrutiny in the Committee of Public Lands, and every effort had been made to guard its provisions from abuse. The public officers best acquainted with the subject had been consulted, &c. The objection against the bill, that abuses might be committed, Mr. R. suggested, would apply with equal force to the institution of courts of law, because witnesses might perjure themselves, &c.

Mr. **TRIMBLE**, of Kentucky, rose, not to oppose the bill, but to ask a question of the chairman of the Committee of Public Lands, viz: whether the bill authorizes the officers of Government to correct erroneous entries. He stated the case of a pre-emption right, the holder of which died—when his heirs came to make the entry, it appeared that an improper entry was made, by which error the widow and children were thrown out of their right. It was obvious that, in such a case, the error ought to be rectified. Mr. T. wished to know if the bill, as it now stood, would authorize the correction of an error of this description.

Mr. **RANKIN** stated that the case which the gentleman from Kentucky had mentioned, was provided for by the act of 1819; but that act did not, in the opinion of the Committee on Public Lands, go far enough, and they had reported the present bill with a view to remedy the defects of the law, &c.

Mr. **MCCOY** expressed doubts of the policy of this bill. He thought it was right in Government to correct the errors of their own officers, but not of everybody else. He feared it would make purchasers careless about errors for the future. He apprehended that the applications, under the act, would be very numerous and very troublesome.

The Committee then rose, and reported the bill as amended. The House concurred in the amendment of Mr. **CAMPBELL**, and the bill was ordered to be engrossed for a third reading—ayes 86, noes 52.

THURSDAY, December 18.

Three other members, to wit: from Louisiana, **HENRY H. GURLEY** and **EDWARD LIVINGSTON**; and from New York, **JOHN J. MORGAN**, appeared, were qualified, and took their seats.

Mr. **CROWNINSHIELD** presented a memorial of the Directors of the Salem Laboratory Company, established for the manufacture of Roman vitriol, alum, refining saltpetre, and other chemical processes, praying that the duty imposed on those articles, or their preparations, may be changed from ad valorem to specific duties.

Mr. **BRECK** presented a memorial of sundry inhabitants of the city and county of Philadelphia, praying for an early and thorough revision of the tariff of duties on importations from foreign countries, so as to afford that protection to manufactures which the Government affords to commerce.

Mr. **Wright** presented a memorial, having the same object in view, from inhabitants of the county of Jefferson, in the State of Ohio.

The said memorials were referred to the Committee on Manufactures.

Mr. **Rankin** presented a petition of the inhabitants of Pembina, on the Red river of Hudson's bay, a colony settled by the late Lord Selkirk, setting forth that, upon a recent survey, it is found that they are situated within the limits of the United States, and praying to be secured in the possession of their property; that they may be confirmed in their land claims; and that the rights and privileges enjoyed by citizens of the United States may be extended to them; which petition was referred to the Committee on the Judiciary.

Mr. **Conway** presented a petition of the General Assembly of the Territory of Arkansas, praying that a separate surveyor general may be assigned to said Territory; which petition was referred to the Committee on the Public Lands.

Mr. **Johnson**, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Thomas W. Bacot; which was twice read, and committed.

Mr. **Williams**, of North Carolina, laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House any information he may have received, and which he may not deem it improper to communicate, relating to the present condition and future prospects of the Greeks.

On motion of Mr. **Moore**, of Kentucky, the Committee on Private Land Claims were instructed to inquire into the expediency of granting the bounty land to Thomas Pendergrass, the representative of James Albert, deceased, a soldier in the late war with Great Britain.

On motion of Mr. **Trimble**, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the President of the United States to direct sales to be made, from time to time, of such arms, ammunition, and military stores, as are not wanted, or are unfit for public service.

On motion of Mr. **Ellis**, the Committee of Claims were instructed to inquire into the account of Henry Alward, Esq., against the United States, for apprehending and delivering two deserters to a detachment of the Army then under the command of Colonel William N. Irwin, at Sunbury, in Pennsylvania, and that they report thereon.

The letter of William H. Jones, accompanied by a copy of a New Universal Atlas, addressed to the Speaker on the 12th instant, was referred to the Joint Library Committee.

The engrossed bill supplementary to the law for the correction of errors in making entries of land at the land offices, being called up for consideration,

Mr. **Rankin** said, that, since yesterday, he had had various suggestions made to him by members for whose opinion he entertained very high respect, as well as from the present Commissioner of the General Land Office; and considering the vote of yesterday as a pledge that the House would certainly act on the subject, and feeling desirous that the bill should, as far as possible, meet the wishes of gentlemen, he was induced, on a consideration of the whole subject, to move that the bill be recommitted to the Committee on Public Lands, to be made as perfect as practicable.

The House concurred in this motion.

The report of the Committee of Claims, of the 12th instant, on the case of the levy court of Calvert county, in the State of Maryland, was taken up and recommitted to that committee.

The bill from the Senate entitled "An act supplementary to an act entitled 'An act for the relief of persons imprisoned for debt," was read the first time.

CUMBERLAND ROAD.

Mr. **Stewart**, from the Committee on the Cumberland Road, reported "A bill for the continuation of the Cumberland road;" which was twice read, and committed.

The motion to commit the bill to a Committee of the Whole, being under consideration—

Mr. **Rankin** rose, and said, that he was one of those persons who are disposed to commit the whole strength and resources of this nation on the subject of internal improvements. He believed, also, that the nation was prepared to go all lengths on that subject. But he was unwilling to take up so great a system of measures, by small parts at a time. The bill reported by his friend from Pennsylvania, (Mr. **Hemphill**,) embraced the entire subject; and he hoped that the present bill, instead of going to a Committee of the Whole, would be referred to the same committee with the general bill, which was already before the House. He was not adverse to the particular measure embraced by this bill; he did not care at what point the general system of internal improvement should be commenced, but he hoped that, on that system, we should either move as a nation, or not move at all.

Mr. **Cook** said he was decidedly opposed to act upon the bill in its present state, and was proceeding to make some remarks on the principle of the bill, when he was reminded by the Speaker that any discussion of the merits of the bill in its present stage would be out of order.

On motion of Mr. **Jennings**, the bill was laid upon the table, and ordered to be printed.

CONTRACTS FOR CANNON, &c.

The resolution yesterday proposed by Mr. **Cocke**, was then taken up for consideration, in the following words:

Resolved, That the President of the United States be requested to communicate to this House copies of all contracts for cannon, cannon shot, muskets, and other small arms, for the use of the United States, which have been entered into since the first of January, 1820, and that he state whether notice for proposals was given for each contract in any newspaper, if so, in what paper, and how long before the contract was concluded; *who are interested in each, ostensibly, or*

as secret partner, so far as he may have been informed, or believes.

Mr. ISACKS, of Tennessee, proposed as an amendment, to strike out the last clause of the resolution, (*in italics*,) and to insert in its room the following:

> "**Who are the persons with whom such contracts were made, and whether there are any other persons beneficially interested therein; if so, who they are, and in what cases, so far as he may be informed.**"

Mr. COCKE said, that, though he believed, if the amendment was adopted, all his objects might yet be obtained, yet, if his friend would reflect for a moment, there was a part of his amendment which he would strike out, because, if copies of the contracts were laid before the House, they would show on the face of them who were ostensibly engaged in the contracts. The object of my resolution, said Mr. C., is not only to see who made the contracts, but whether any person is concerned in them under the rose. We have, in the statute-book, laws which prohibit a certain description of persons from being interested in contracts. If any such are interested in contracts, though their names do not appear in them, the nation ought to know it, to ascertain whether these contracts were legally made. I have, therefore, asked, (said Mr. C.) by my motion, not only who are the contractors, but who are concerned in the contract, so far as the Executive has information on that point. That, Mr. C. said, was his object, and he cared not whether the word "secret," or, if gentlemen chose it, *clandestine*, was inserted in the resolution or not. Any word which would elicit the information which he wanted, he would cheerfully acquiesce in.

Mr. ISACKS said, in reply, that he had no disposition to alter the grounds of the inquiry proposed by the resolution of his colleague. The same object would in substance be obtained, if the amendment should be adopted, that would be obtained by the resolution, in its original shape. He acknowledged, for his own part, he was in possession of no information which would induce him either to make or withhold this call; his colleague, however, had moved it, and he would willingly vote with him. All that he intended by his amendment was to change the terms of a part of the resolution, which he thought open to objection, for others more acceptable. It was not necessary for him to say the particular object he had in view: the bare reading of the original clause of the amendment would be sufficient to show that the terms of the latter were preferable.

The amendment was adopted without a division.

Mr. RICH suggested that every valuable object to be obtained by this resolution would be attained by asking for abstracts instead of copies of the contracts referred to, and would save trouble and expense in the details of the preparing and printing the papers called for, and he submitted an amendment to that effect.

Mr. COCKE was opposed to this amendment. He should like to see the whole contracts, he said—to see it in all its bearings. There could not be a great many contracts for cannon and cannon shot, muskets, and small arms, since the year 1820. When the contracts are before us, said he, we can see the whole. If we get extracts, they may be extracts of such parts as we do not want to see, and care nothing at all about. He hoped gentlemen would indulge him so far as to let him look at the contracts as they really stand.

Mr. RICH then withdrew his amendment, and the resolution, as amended by Mr. ISACKS' motion, was adopted.

FRIDAY, December 19.

Mr. CAMBRELENG presented a memorial from the manufacturers of cordage, in the city of New York, against any increase which may be proposed, or contemplated to be proposed, on foreign hemp, upon its importation into the United States; which memorial was referred to the Committee on Manufactures.

Mr. BRENT presented a memorial of Daniel W. Coxe, praying for the confirmation of the title to a tract of land of thirty leagues square, lying on Ouachita river in Louisiana, granted to the Marquis de Maison Rouge, by the Spanish Government, in the year 1797. This petition gave occasion to some conversation; Mr. B. expressing a wish that, as the importance of the property involved in the petition, required a more thorough and extensive examination of the claim, than could be given it by the Committee on Private Land Claims, already burdened, as that committee was, with a multiplicity of business, it might go to a select committee.

Mr. OWEN, of Alabama, concurred in this desire, but thought that, as there was a great mass of claims of a nature analogous to that now presented, arising from the cession to the United States of Louisiana and the Floridas, it would be better that a permanent committee be appointed, to be designated "The Committee on French, British, and Spanish Land Claims," to whom claims of this description, exclusively, might be referred.

The SPEAKER declared that a motion now to appoint a committee of this description would be out of order. [See *post*.]

The petition offered by Mr. BRENT was then ordered to be laid on the table.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, made a report on the petition of Julia Lawrence, widow of Captain James Lawrence, deceased, late of the Navy of the United States, accompanied by a bill further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service; which bill was read twice, and committed to a Committee of the Whole.

Mr. C., from the same committee, also made a report on the petition of Penelope Denny, accompanied by a bill making provision for her support; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a second unfavorable report on the case of the levy court of Calvert county, in the State of Maryland; which was committed to a Committee of the Whole.

Mr. Williams's resolution, offered yesterday, was called up, and, on motion of the original mover, the resolution was modified by omitting the word "present."

Mr. Webster took this occasion to state to the House that he should move for the consideration, on this day fortnight, of the resolution which he submitted some days ago, proposing to send a mission to Greece.

The resolution of Mr. Williams was agreed to.

On motion of Mr. Allen, of Massachusetts, it was

Resolved, That, in addition to six hundred copies of the public documents, ordered to be printed by a resolve of this House, passed on the 25th day of March, 1818, the further number of thirty copies be printed, to supply the present deficiency for the members of the House.

[This is to supply the additional number of members introduced into this House, under the new apportionment, according to the late census.]

On motion of Mr. Call, the Committee on Naval Affairs were instructed to inquire into the expediency of establishing a naval depot in the harbor of Pensacola.

Mr. Wright moved that the House do come to the following resolution:

Resolved, That the Committee on the Cumberland Road be instructed to inquire into the expediency of making an examination and survey of the routes from Washington, in Pennsylvania, by Steubenville, in Ohio, and Wellsburg, in Virginia, to ascertain if a less expensive and more eligible route can be found, for the National road, from Washington to Columbus, the seat of government of Ohio, than the one heretofore proposed; and, also, to inquire into the expediency of changing the location of said road.

The resolution was read, and disagreed to by the House.

FOREIGN LAND CLAIMS.

Mr. Owen moved that the House do come to the following resolution:

Resolved, That a committee be appointed, to be styled "The Committee on French, British, and Spanish Land Claims."

Mr. Campbell objected to this resolution, not on its principle, to which he had no objection, but because its phraseology was so general and extensive as to embrace the whole of the cases arising under the cessions of Louisiana and the Floridas—cases which had hitherto been assigned to the two standing Committees on Public Lands and Private Land Claims, of which committees the principal business arose out of claims of this description. Mr. Campbell wished the gentleman from Alabama to understand that he was not averse to the appointment of such a committee as he desired—on the contrary he wished for it; but he was confident that the gentleman would, himself, perceive, on reflection, that the language of the resolution was too broad.

Mr. Scott expressed a hope that the mover of the resolution would not include Missouri in its provisions, as he was averse from having the claims arising in that State, under French and Spanish grants, in any manner mixed with the British claims, and he believed the same wish was entertained by the delegate from Arkansas. He therefore moved, as an amendment, an exception of the State of Missouri and the Territory of Arkansas from the operation of the resolution.

Mr. Owen accepted this amendment as a modification of his motion.

Mr. Taylor observed that, as this was a proposition to create a new committee, and of a permanent character, it demanded some deliberation. The House had already two standing Committees on Land Claims; formerly there had been but one such committee. The House had already subdivided the duty of considering these claims, and before they went farther, he thought some reflection was requisite. He therefore moved that the resolution lie on the table. In which the mover and the House concurred, and the resolution was laid on the table.

Mr. Beecher, of Ohio, moved that the bill for the continuation of the Cumberland road, reported yesterday, be now taken up and considered; and the question being taken, it was decided in the negative—yeas 65, nays 81.

The House adjourned to Monday.

Monday, December 22.

Mr. Hemphill presented a memorial of sundry insurance companies and merchants of the city of Philadelphia, praying that the Government of the United States may adopt measures to procure them redress for spoliations committed on the lawful commerce of the citizens of the United States by French cruisers; which memorial was ordered to lie on the table.

Mr. Hemphill also presented a memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying for the aid and assistance of the General Government in carrying the contemplated canal into effect; which memorial was referred to the Committee on Roads and Canals.

Mr. McCoy, from the Committee of Claims, made a report on the petition of Brintnel Robbins, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. Williams, from the Committee of Claims, reported a bill for the relief of Daniel Carroll, of Duddington, and others; which was read twice, and committed to a Committee of the Whole.

Mr. Rich, from the same committee, reported a bill for the relief of Loudon Case; which was read twice, and committed to a Committee of the Whole.

Mr. Livingston laid the following resolutions on the table for consideration on to morrow, viz:

Resolved, That the Secretary of the Treasury be directed to report what progress has been made in erecting lighthouses on the Dry Tortugas, and at or near Cape Florida; and that he also report whether the security of the navigation of the Gulf Stream, between Florida and the Bahama Banks, does not require the erection of lighthouses, or beacons, or the placing of buoys or floating lights on some other places, on or near the coast of Florida.

Resolved, That the President of the United States be requested to negotiate with the Government of Great Britain for a cession of so much land on the Island of Abaco, at or near the Hole in the Wall, and at such other places, within the acknowledged dominion of that Power, on the islands, keys, or shoals, on the Bahama Banks, as may be necessary for the erection and support of lighthouses, beacons, buoys, or floating-lights, for the security of navigation over and near the said banks, and to be used solely for such purposes.

Resolved, That the Secretary of State be directed to ascertain and report to this House, whether the rocks called the double-headed shot keys, or any other of the rocks or desert islets, near the Bahama banks, but separated therefrom by a deep channel, and on which the security of navigation of the Gulf of Florida requires that lighthouses or beacons should be placed, are within the dominion of any and what foreign Kingdom or State, or whether they are not now subject to be appropriated by the right of occupancy.

Mr. Herrick laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the Postmaster General be directed to lay before this House a statement of the extent of each post route in the United States; the number of miles the mail is annually transported on each route, with the annual expense of transportation, under existing contracts, and the amount of postage, which accrued on each route, after deducting the compensation of postmasters and incidental expenses, for one year next preceding the first day of April last.

Mr. Breck laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to furnish this House with the amount of exports from the United States to Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822; also, the amount of imports therefrom, for the same period, distinguishing, in separate columns, the countries under the control of the Turkish Government, from those possessed by the Greeks in arms; also, the amount of duties paid on said imports into the Treasury of the United States.

The report of the Committee on Claims, unfavorable to the petition of Garret Fountain, which was some days ago laid on the table, was taken up and read.

Mr. Tyson moved that the negative particle in the report, which determines against the petitioner, be stricken out.

On which Mr. Williams called for the reading of a report of the Third Auditor, on the case involved in the bill; after which, Mr. Storrs moved that the report be referred to a Committee of the Whole, and be printed; which was carried.

The bill from the Senate entitled "An act supplementary to the act entitled 'An act for the relief of persons imprisoned for debt," was read the second time, and referred to the Committee on the Judiciary.

The House then went into Committee of the Whole, on the bill for the relief of Jeremiah Manning, of New Jersey; which, having been considered, was reported without amendment; and it was ordered to be engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Thomas W. Bacot, Postmaster of Charleston, South Carolina, appropriating a sum of money paid by him for amount of a reward paid for apprehension of a mail robber.) The report of the committee upon the case having been read, the Committee rose and reported the bill without amendment, and it was engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Jacob Shaeffer, (a corporal in the Army,) who obtained his discharge after twenty months' service, and now asks for the bounty in land; and the report of the Committee on Private Land Claims, on the petition, having been read, Mr. Sterling, of Connecticut, moved to strike out the enacting clause of the bill, for the purpose of destroying it. This motion gave rise to a debate of something like an hour. It was supported by Mr. Sterling, and opposed by Mr. W. Smith, of Virginia, and Mr. Campbell, of Ohio, the chairman of the committee which reported it. Finally, the motion was negatived, and the bill being reported to the House, was, after a few observations, ordered to be engrossed for a third reading.

Mr. Brent, of Louisiana, moved that the memorial from Mr. Coxe, agent of the Marquis of Maison Rouge, presented by him a few days since, and laid on the table, be referred to a select committee.

This motion gave rise to some debate. A motion was made by Mr. Cocke to refer the claim to the standing Committee on Public Lands, instead of a select one. The argument pro and con lies in a small space. The great amount, importance, and intricacy, of the claim, were the reasons assigned for referring it to a select committee, which was objected to on the ground that select committees were always supposed to be favorable to any subject referred to them, whilst standing committees, selected without reference to any particular claim or object, might be considered in the light of impartial tribunals, fully possessed, by experience and inquiry, of the law, and the principles applicable to cases brought before them.

The gentlemen who engaged in the debate were, on the one side, Mr. Cocke, Mr. Sterling, Mr. Condict, and Mr. Foot; and, on the other, Mr. Brent, Mr. Livermore, and Mr. Mallary.

The memorial was at length referred to the Committee on Private Land Claims.

AMENDMENTS TO THE CONSTITUTION.

Mr. McDuffie, from the committee appointed "to inquire into the expediency of recommending to the several States the propriety of amending the Constitution of the United States, in such manner that the mode of electing the members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors of President and Vice President of the United States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives;" made a detailed report, accompanied by a joint resolution, proposing an amendment to the Constitution of the United States, in respect to the election of a President and Vice President of the United States; which resolution was read twice, and committed to a Committee of the whole House on the state of the Union. The report and resolution are as follows:

The committee, profoundly impressed with the importance of the propositions embraced in the resolution under which they have been appointed, have felt a corresponding sense of the magnitude and difficulty of the duty imposed upon them by the order of the House. To devise a plan for the election of members of the House of Representatives, and of the President and Vice President of the United States, which will correct existing and obviate impending evils, and, at the same time, harmonize the conflicting views of States, variously situated, and variously affected by it, has been the anxious desire and laborious effort of the committee. How far they have been successful in accomplishing these great objects, they submit it to the indulgence and liberality of the House to determine.

The Constitution of the United States provides, that "the times, places, and manner, of holding elections for Representatives, shall be prescribed, in each State, by the Legislature thereof; that Congress may, at any time, by law, make or alter such regulations." It also provides, that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress."

The plan submitted by the committee, proposes that each State shall be divided into as many districts as will equal the number of Representatives to which the State may be entitled in Congress; and that each of the said districts shall elect one Representative. It also proposes, that each of the said districts shall choose one Elector of President and Vice President of the United States; and that the Electors, thus appointed in each State shall have the two additional Electors to which the State is entitled.

From this collated view of the existing provisions and proposed amendments of the Constitution, it will be seen that a fundamental change is contemplated, in reference to the mode of choosing members of the House of Representatives, and Electors of President and Vice President of the United States. It is a change, however, which counts among its strongest claims to our favorable consideration, its absolute efficacy in preventing changes. For it will fix upon uniform principles those creative operations of popular sovereignty, which are now liable to be controlled by the diversified and clashing expedients of twenty-four States, mutually independent. Indeed, an attentive consideration of the nature and functions of a written Constitution, will lead us to the extraordinary but manifest conclusion that, in relation to the mode of choosing the popular branch of the National Legislature, and of the Chief Executive Magistrate of the Republic, we have no Constitutional provision at all. A fixedness and permanence, not liable to be disturbed by ordinary acts of legislation, are essentially involved in the elementary notion of a Constitution. Accordingly, in all Governments having any just pretensions to civilization or freedom, it has been a primary object to secure those fundamental canons which give organization and impulse to the political system, against any changes proceeding from an authority less solemn and weighty, than the source of sovereignty itself. To secure liberty against the violent tyranny of successive and temporary factions, and, also, against the more systematic encroachments of ambition, this extraordinary stability of the law, which constitutes the Government, has been found, by universal experience, to be an indispensable safeguard. Yet, in direct violation of this primary and essential principle of regulated freedom, the very foundations of the two most important branches of this Government are permitted to fluctuate with the mutable counsels of twenty-four separate Legislatures. The committee, therefore, believe that the plan proposed is recommended, not less by the consideration that it permanently and uniformly fixes the rule which it introduces, than by the intrinsic superiority of that rule to any other that has been adopted, amidst the changes incident to the existing state of Constitutional laxity.

Under the existing system, if system that may be called, which is without system, the inquiry in the respective States is not, which is intrinsically the best mode of choosing Representatives in Congress, and Electors of President and Vice President of the United States, but what is the best defensive expedient to counteract the regulations of other States, and secure the utmost relative weight in the affairs of the Union. The party which happens to have the ascendency will thus be furnished with pretexts, at least plausible and imposing, for the adoption of measures calculated to deprive the minority of their just rights, and tending to produce, as they invariably have produced, that acrimonious political excitement which inevitably results from injustice and oppression, however disguised or palliated by motives of public expediency. To prevent majorities from exercising this sort of oppression, is one of the primary objects of a written Constitution.

With these general preliminary views, the committee will proceed to the separate consideration of the amendments embraced in the plan submitted to the House.

It has been seen that the "times, places, and manner," of electing the members of this House, are now liable to be prescribed by the Legislatures of the several States, subject to the controlling and superseding power of Congress.

In addition to the remarks already made on the political solecism of placing it in the power of every State government virtually to change the Constitution of the Union, the committee feel bound to examine briefly the nature and tendency of the power thus vested in Congress.

If it should happen to this, as it has happened to all other free countries, that the administration of the Republic should fall into the hands of a faction; of men who, having acquired power by corrupt combinations, would be disposed to retain it in opposition to the will of the people and to exert it in opposition to their interests, the power in question would become exceedingly dangerous. It is in such periods that the barriers of the Constitution are most essential; because it is in such periods that those, from whose reluctant grasp the sceptre of dominion is about to be wrested by an indignant people, are exposed to the strongest human temptation to perpetuate their authority by every desperate expedient not absolutely prohibited.

And does not the Constitution almost literally place in their hands precisely such an expedient in the power of regulating the elections of the members of this body? It is susceptible of demonstration, that the elections might be so arranged by a party in power, that a small minority of the people would elect a majority of the national representatives. The mode of operation would be various, according to varying circumstances. Sometimes the object would be accomplished by changing the district into the general-ticket system; sometimes by an artificial arrangement of districts; and sometimes by a skilful combination of both. As nothing is too desperate for a faction, struggling for existence, let us suppose that they should prescribe, as they would have the unquestionable power to prescribe, that, in all those States where a majority of the people were favorable to their purposes, the representatives should be elected by a general ticket, thus suppressing the voice of the minority; and, that all the States opposed to their domination, should be divided into districts, in such manner that the minority of the people should elect a majority of representatives. As examples of such high-handed proceedings are already to be found in the history of several of the State governments, the supposition that the General Government, with more powerful inducements to mislead it, will, at some future period, pursue a similar course, cannot be considered extravagant or improbable.

The committee therefore feel the deepest conviction, that the power now vested in Congress, of controlling the election of its own members, is utterly inconsistent with every just conception of Constitutional liberty, and ought no longer to exist.

Having thus attempted to show the necessity of a plan of such permanence, as equally to exclude the disturbing influence, both of the General and State Governments, the Committee propose to examine the comparative advantages of the general ticket and district systems of electing the Representatives in Congress. It will scarcely be denied, that a just regard for the relative weight of each State in the affairs of the Union, requires that one or the other of the systems should prevail in all the States. Upon any question of national policy, in relation to which the interests or wishes of two States should stand mutually opposed, it would be obviously unjust that the one should have, by means of a general ticket, an undivided vote in this House; while the other, electing by districts, might be almost neutralized by her divisions. It remains, therefore, only that we inquire which of the two systems is intrinsically the best.

In favor of the general ticket system, it has been urged, with considerable plausibility, that, by extending the sphere of selection, the number of competitors, of competent qualifications, will be proportionally increased, and that the influence of demagogues, who can only operate effectually in a small sphere, will be greatly diminished.

It cannot be denied that it sometimes happens that a particular district might select a representative residing out of its limits, better qualified than any residing within them; but, it is to be remarked, that there is nothing in the system proposed, which will prevent a district from electing any resident citizen of the State, without regard to the particular place of his residence. It is true that each district will generally elect one of its own citizens, from obvious considerations justifying the preference. But this, so far from being an objection, would tend to produce a distribution of the talent of the State, in every view desirable; for it has been found that talents, like every thing else, will naturally seek the market which promises the most appropriate reward.

That part of the argument under consideration, which assumes that the district system is calculated to give to the arts of demagogues an undue ascendency, is worthy of a more serious consideration. It will be admitted that this system enables the constituent to become better acquainted with his representative than is practicable under the other. Can it be maintained, then, that, in proportion as we increase the opportunities of the people to obtain a knowledge of the character and qualifications of the candidates, we diminish the chances of a judicious selection? It is true, that, in a fair competition before the people, art and hypocrisy will prevail over talent, integrity, and independence? On the contrary, it is confidently believed that truth will ultimately prevail in all competitions before the people, if maintained with an ability and firmness equal to that by which error is supported. This proposition is the basis upon which only a representative democracy can be sustained. If it be not true, it then becomes expedient to devise some scheme which will virtually take from the people the elective power. And the committee are of opinion that the general ticket system is precisely of this description.

In a State of any considerable extent, almost every candidate must, in the nature of things, be unknown to the great body of the people. They, of necessity, vote by faith, and not by knowledge; and the few distinguished politicians who are selected to concentrate the popular opinion, acquire a control over it little short of the power of absolute dictation. Universal experience teaches us that few men are to be found, of sufficient firmness and purity to resist the temptation to abuse such power. Cabals and factious combinations, stimulated by selfish views of aggrandizement, are the inevitable consequences.

But it is not to be expected that this sort of dominion will be quietly submitted to by those politicians who have no participation in it. A contest for the dictatorship ensues, agitating the community and destroying the harmony of society, by mere personal and family feuds, when there is no difference of principle between the contending parties.

Nor would the evil effects of this state of things be confined to the State. As the political course of opposing parties is very much determined by feelings of mutual antipathy, it would frequently happen that when one party supported the existing administration of the General Government, the other would stand opposed to it. Under these circumstances every revolution produced by the alternate successes and defeats of these rival parties, might increase or diminish the supporters of the General Government, by the whole number of the Representatives of the State in Congress. Besides the mutability which would be thus communicated to the national councils, the General Government, feeling its power to be identified with the fate of a State party, would be tempted to interfere in the political struggles of that State. And when we consider the effect which might be produced by the judicious distribution of patronage amongst the leaders in such contests, we cannot doubt that the facility and the means of such interference are equal to the temptation.

It may be justly said of the plan of voting by a general ticket, that it is not consistent with the true theory of a popular representation. The popular branch of the National Legislature should exhibit a faithful image of the people. When, for example, a State is divided in its interests and opinions, when some districts are agricultural, some manufacturing, and some commercial, and, if you will, when some are republican and some federal, each of those districts of people should have a fair representation in Congress. Because one interest or one party happen to be predominant in a State, it is no adequate reason that the rest should be disfranchised and have no voice in the national councils. This, indeed, would not be a representation of the people, but of the States; giving to this House a federal, instead of a popular origin and character.

A little reflection will convince us that this is not a mere nominal distinction. Upon all the great political questions, by which this, like all other free Governments, must be often divided into parties, the general ticket system, by entirely suppressing the voice of the minority, would cause the representation from each State, in Congress, to be unanimous, on one side or the other. Thus would States be arrayed against States on this floor, stimulated by pride, heated by collisions, and estranged by feelings of rivalry, and throwing into the discussions here all the violence of local feelings and local prejudices. By the inevitable tendency of this state of things to produce a geographical formation of parties, we need not the prophetic spirit of Washington to warn us that the harmony of the Union would be destroyed, and perhaps its existence endangered.

Every thing that tends to strengthen the peculiar and exclusive feelings of State pride and sectional prejudice, inevitably weakens the bonds of the Union. We are, therefore, urged, by all the considerations that attach us to this great palladium of our security and happiness, to adopt such an organization as will break those large masses of political power, whose collisions can never fail to shake our system to its deepest foundation. It ought never to be forgotten, that the citizens of this Republic, though subdivided into States for certain essential purposes, are one people, in all that relates to the General Government. Born to a common inheritance, purchased by the toils, the sacrifices, and the blood of their common ancestors, they should be united, not less by the ties of common sympathy and kindred feeling, than by those of common interest. With a view to give strength and durability to these essential bonds of union, it is of the utmost consequence that the local minorities in the several States, and various geographical divisions of our extensive country, should have a fair and full representation in Congress. In periods of deep political excitement, nothing is better calculated to allay sectional animosities, and subdue the angry spirit of faction, than the mediatorial influence of such representatives.

The committee propose now to consider, more particularly, that part of the resolution committed to their charge, which makes it their duty to inquire into the expediency of establishing a uniform mode of appointing the Electors of President and Vice President of the United States.

Three modes now prevail in the different States. In some, the appointment is made by the Legislature; in some, by the people, voting a general ticket; and in some, by the people, voting by districts. By giving each of these modes a separate consideration, we shall be the better enabled to ascertain the relative merits of that which is submitted to the House for its adoption.

Pre-existing bodies, sufficiently small and permanent to be exposed to the tampering and seductive arts of intrigue and corruption, ought to have no agency in the election of a President of the United States, upon any ground short of absolute necessity. State Legislatures are bodies of this description, and there is no pretence of a necessity for interposing them between the people and the Electoral College. According to the true conception of our political system, the people exercise the elective power. When, from considerations of convenience, agents are appointed for this special purpose, it is not, as in the case of a legislative trust, to exercise their own judgments, but simply to execute the popular will. The assumption, that the Legislatures would make a better choice than the people, involves the admission that their choice would be different from that of the people; an admission which, if the foregoing view be correct, furnishes, in itself, an unanswerable objection to the interposition of such an agency. In proportion, therefore, as the number of intermediate agencies is increased, the chances are multiplied that the will of the people will be defeated, in the choice of a Chief Magistrate. The committee have no confidence in that sort of artificial and complicated machinery, through which some suppose it necessary to filtrate the popular will, in order to purify and enlighten it. The stream of elective sovereignty is no where so pure as at its source. Every remove from this, is an advance in a course inevitably ending in corruption. Indeed, it is apparent, that the framers of the Constitution, by ordaining that "each State shall appoint, in such manner as the Legislature thereof may prescribe," the Electors of President and Vice President, intended to exclude the Legislatures from making the appointment themselves. That this is the true interpretation of the Constitution, is abundantly obvious, as well from the fair import of the words of that instrument, as from the profoundest commentary ever written on it. The authors of the "Federalist," in speaking of the election of the President, use these words: "It was desirable that the sense of the people should operate in the choice of a person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for the special purpose, and at the particular conjuncture."

Whatever objections may be urged against the appointment of the Electors by the people, no one, it is presumed, will allege that corruption will find, in that mode of proceeding, any scope for its operation. Neither have we any just ground to apprehend that intrigue, operating by means less palpable than corruption, and appealing to motives less profligate than venality, will produce any impression upon the vote of ten millions of freemen, scattered over the vast domain, which is their favored inheritance. The fact that these principles are, from their very nature, incapable of acting upon multitudes, would prevent them from operating upon the people, even if we had not the higher security furnished by their virtue and patriotism.

But it is frequently objected, that the great mass of the people are not sufficiently intelligent to decide upon the qualifications of so important an officer as the Chief Magistrate of a great Republic; and yet, that, in voting for Electors, who are merely the organs of their will, they in fact determine that question. As the history of all nations, of any considerable extent, gives at least a plausible coloring to this objection, it deserves to be deliberately examined. No political principle is more firmly established by the experience of nations, than that the freedom of political institutions cannot rise higher than the intelligence of the people. All attempts to erect free Governments upon any other basis than an intelligent population, have always resulted, and must ever result, in re-action and disaster. If, therefore, the committee could believe that the people of the United States are not sufficiently intelligent to perform so essential a function of popular sovereignty as the election of their Chief Magistrate, they could not resist the unwelcome conclusion, that our system of government is but a delusive hope, resting upon unsubstantial foundations, and containing within itself the principles of rapid degeneracy and certain dissolution. Responsibility to the people, all must admit, is the only adequate security for freedom, the great conservative principle of a representative government. And what would be the value of the responsibility of a public agent to a people not capable of electing him? If, therefore, it could be shown that the people are not competent to elect the President, an argument would result, which it would be difficult to resist, in favor of those political combinations which, under various forms and pretences, are ever ready to assume the province of dictating to the people, and which can only be regarded, when habitual and permanent, as synonymous with corruption.

Under these circumstances, we have a source of just consolation and pride in the reflection that, in all that relates to the maintenance and enjoyment of a system of practical freedom, history has left no record of a people at all to be compared to the citizens of these United States.

A very brief notice of the prominent circumstances which distinguish our social and political condition from that of the republican nations of antiquity, and of the civilized nations of modern Europe, will furnish, at once, the evidence and the explanation of this superiority.

No estimate of the comparative condition of this and the ancient republics can be just which does not embrace the invention of the art of printing, and the consequent establishment of a free press. These causes alone have produced a permanent revolution in the political condition of the human race. Societies of freemen have been improved and enlarged to a degree utterly unattainable without these efficient means of diffusing intelligence, and the republican system has consequently received a modification and extension which the wisdom of antiquity would have pronounced impossible. The harangues of their orators, delivered to collected multitudes, were almost the only means of political intelligence enjoyed by the people of the ancient republics. The extent of a republic, or, in other words, of a government, emanating from the people, and responsible to them, is confined, by an imperious political necessity, to such limits that the proceedings of the central administration may be promptly, certainly, and generally, communicated to the extremes of the country. Adverting, therefore, to the limited means of communicating intelligence possessed by the ancients, the reason is apparent why their republics were so extremely contracted. They were, of necessity, simple democracies; and, in the days of their greatest purity and splendor, the portion of the people which really governed was confined to their chief cities, because that portion alone was within the reach of the only existing sources of political intelligence. On the contrary, the great body of the people of the United States, dispersed over an immense region, to whose soil they are attached by the strongest ties, receive daily, in the tranquillity of retirement, from books, documents, legislative discussions, and the chronicles of passing events, that knowledge of the affairs of the Republic, which the Greeks and Romans received almost entirely from the occasional debates of their orators before the assemblies of the people. It is, therefore, extremely obvious that any inference unfavorable to the political capabilities of the American people, which can be drawn from the history of those republics, must be founded upon loose analogies, calculated rather to delude than to enlighten.

A comparison between the United States and the civilized nations of modern times, will lead to results equally flattering.

All the great political societies of modern Europe, having a feudal origin, are constructed upon feudal principles. A permanent inequality of property, maintained by law, and consecrated by usage, has naturally produced the extremes of a proud aristocracy and a degraded populace, without any intermediate power sufficient to control their irregular tendencies. In such a state of things, it is not difficult to conceive that a popular election of the Chief Executive Magistrate would throw the hostile elements of society into such violent collision as to involve in anarchy and ruin all that is sacred in the institutions of the country. But all the American communities which compose the United States, are essentially different, both in their origin and construction, from those of modern Europe. Our ancestors, in the full maturity of reason, with no consecrated errors to embarrass them, reared up, from its simplest elements, a system of practical freedom; and, from the first settlement of the country, every successive generation has been accustomed to exercise the functions of self-government, in every form, and in every variety of combinations. Nor are we less favorably distinguished in the composition of our social system, than in its origin.

The abolition of the laws of primogeniture has produced a general equality of property, and this again, together with the equality of civil and political privileges, has produced a general diffusion of knowledge, of which history furnishes no example. Almost the entire mass of our population corresponds, in character and situation, with what is denominated the middle interest in England, and which is justly considered, by her most enlightened statesmen, as the soundest part of her population. In extending the elective system in the United States, therefore, beyond all former precedents, we do nothing more than adapt our political to our social system. In fact, so widely different is our situation from that of any other nation, that it may be truly said that the people would be less liable to make an injudicious choice of a chief magistrate than of any other important officer of the Government. Such is the admirable distribution and subordination of political powers in our system, and such the variety of practical schools of preparation and trial through which a statesman must pass, before he can aspire, with any just or reasonable expectations of success, to the highest office in the Republic, that the qualifications and pretensions of the candidates can always be determined by the wisdom of their past measures, and the importance of their past services. As these are the only indications of wisdom upon which it would be safe to rely, in the selection of an officer of such vast responsibility and importance, it is satisfactory to reflect that they are indications, also, of so palpable a kind, that they cannot fail to make their just impression, both upon the intelligence and gratitude of an enlightened and patriotic people.

But another objection, of a kindred spirit with that which has been just considered, is frequently urged against the change proposed. It is said that the appointment of Electors by the people, would so directly involve the canvass for the Presidency itself, as to produce a degree of popular excitement subversive of the order and peace of society. The remarks already offered, in relation to the dispersion of our population, the peculiar structure of our society, and the general diffusion of intelligence, are sufficient, to show, that nothing in the experience of other countries can be regarded as a just foundation for such an apprehension. But, there are other views of the subject, which will lead us to the conclusion, that the tendency of the proposed change, upon which this object is founded, is one of its strongest recommendations.

The order of social virtues and social duties in the United States, is nearly the reverse of that which existed amongst the Greeks and Romans. In an ordinary state of things, when no great emergency calls for patriotic sacrifices, the duty which principally engrosses the feelings and the efforts of an American citizen, is to make provision for his comfortable subsistence, and to satisfy the claims of his family. Whereas, the first consideration of a Greek or a Roman citizen, both in peace and in war, was the glory of his country. Our tendency, therefore, is to give too exclusive an attention to private pursuits, and sink into indifference in relation to the general concerns of the Republic; while the tendency of the Greeks and Romans was to intermeddle perpetually in public affairs, to the neglect and detriment of their private concerns. Our danger, therefore, is too much popular apathy; theirs, was too much popular excitement. And though the state of things existing here, is more deeply founded in nature, and furnishes a more substantial basis for a durable and extended system of liberty, it certainly indicates the necessity of such Constitutional arrangements as will rouse the attention of the people to so great a national question as the election of a Chief Magistrate. No stronger evidence need be offered, of the existence of such a necessity, than the actual state of public opinion on that subject, at this moment, in many parts of the Union. The people have been so long accustomed to have no practical agency in the election of a President, that the idea is not uncommon, that they have nothing to do with it. As the inevitable tendency of this state of popular indifference, is to increase the power and influence of political managers and unprincipled combinations, it is of the last importance that it should be corrected, if possible. The committee are of the opinion, that the plan submitted will furnish the remedy.

But it yet remains that we inquire whether the people should vote by a general ticket, or by districts. The committee will, therefore, proceed to state the considerations which have induced them to adopt the latter system. It was as evidently the intention of the framers of the Constitution, as it is the dictate of sound policy, that the President of the United States should be the choice of the people, and not of the States. It is true, they contemplated an infusion of the federal principle into the election, in the proportion of the Senators to the Representatives in Congress; and this proportion is retained in the plan proposed by the committee.

But, to extend the federal principle to the whole body of the Electors, would be nothing less than sacrificing the rights, the interests, and the power of the people, to the false and imaginary idol of State consolidation.

Assuming it as an undeniable position, that a majority of the people of the United States have a right to elect the President, and that the will of such majority ought to prevail, it can be demonstrated that the system of voting by a general ticket would render this fundamental principle of our Government the sport of accidental combinations. Six of the States, for example, if they give a unanimous vote, can elect the President. But, if they vote by a general ticket, the candidate who obtains a bare majority of the popular vote, receives the unanimous Electoral vote of the State. So that, assuming the population of the United States to be eight millions, a little more that two millions of the people might elect the President. Let us again suppose that there are two States, one containing nine hundred thousand people, and entitled to thirty Electoral votes, and the other containing eight hundred thousand people, and entitled to twenty-six Electoral votes. Let us further suppose, that there are two candidates for the Presidency, of whom one is supported by five hundred thousand of the people of the first supposed State, and the other by the remaining four hundred thousand, and the entire eight hundred thousand of the other State. Under these circumstances, the candidate who obtains the support of only five hundred thousand of the people, would receive thirty Electoral votes, while twelve hundred thousand people could give the opposing candidate only twenty-six! According to this system of false equations, a large minority of the people is precisely equal to no minority at all. By thus entirely excluding the State minorities from the calculation, in making up the general aggregate, the people are literally immolated, by hundreds of thousands, at the shrine of an artificial and delusive system, which, by making a majority equal to the whole in each State, gives a minority an equal chance for the ascendency in the Union.

The true popular principle, in the opinion of the committee, is that which prevails in all other popular elections throughout the United States. In the election, for example, of the Governor of a State, by the people, a candidate does not count the unanimous vote of every county where he happens to obtain a majority, but the respective majorities of the several candidates are added to their respective minorities, and the aggregates thus produced are taken as the true expression of the popular will. If, then, in all that relates to the "common defence and general welfare," the people of the United States are really to be regarded as one people; if all the citizens of the Republic, whether their lot happens to be cast on the one side or the other of an imaginary line, are equally entitled to their vote and their voice in the common concerns and common councils of the Union; if it be wise to exclude from those councils the peculiar and exclusive feelings of States; and if the man who is to preside over the common destinies of all, should have peculiar obligations to discharge, and peculiar feelings to indulge, towards none of the States; we are under the most solemn obligations to reject a plan for electing the President, which would array States against States in ambitious conflict for the mastery, and equally sacrifice the inalienable rights of the people, and the general harmony of the Union.

But there is another objection to the system of voting by a general ticket, which the committee consider unanswerable.

It is a practical proposition, conclusively established by the experience of all the States where the experiment has been made, that this system tends, by an inevitable necessity, to transfer into the hands of a few the power of controlling the entire suffrage of the State. In a State entitled to thirty Electors, and composed, perhaps, of fifty counties, it must be apparent that almost every county would vote for an entire ticket of its own; and that the popular will would be thus exposed to such distraction as completely to endanger its success, without some means of giving it concentration. And as the power of the individuals selected for this purpose must be co-extensive with the wills which it would be their objects to concentrate, it would follow, that they would virtually decide which of the Presidential candidates should receive the whole Electoral vote of the State. At the first commencement of such a system, when the persons clothed with the authority of uniting the popular will were really its representatives, no great evil would be experienced. But the slightest attention to the history of ambition, the tendency of power, or the lessons of our own experience, will convince us that such combinations change, in the natural course of things, from temporary expedients to permanent institutions; and that, from being the mere organs of the will of the people, they assume, under pretexts which ambition is seldom at a loss to devise, the power of dictating to the people.

In making these general remarks, the committee feel conscious that they are rather recording the history of the times in which they live, than their own speculations. And it is upon this high authority that they predicate the opinion, that, if the plan of voting by a general ticket were established, a central power would spring up in almost every State, consisting of the ruling politicians of the day, who would be bound to the people by no tie of regular responsibility, and be, in every respect, more liable to cabal, intrigue, and corruption, than the Legislature itself. And when we reflect that the entire Electoral vote of a State, upon which the Presidential election itself might turn, would frequently depend upon the integrity of a few men, perhaps of a single individual, it is difficult to conceive a state of things in which there would be stronger inducements, or greater facilities for intrigue and corruption. By dividing the States into districts, all these evils would be avoided. The will of the people would be fairly expressed. No political combinations would be necessary or practicable. Every district would, at least, have its own centre of operation, upon which corruption would be brought to bear with its inducements vastly diminished, and its consequences proportionably less to be dreaded.

The last branch of the resolution under which the committee are acting, remains to be considered.

They have found it impracticable absolutely to exclude the possibility of the election of President and Vice President devolving, in any event, upon Congress; but they believe, under the plan submitted, the contingency would not happen once in a century, upon which the election would devolve upon that body. They propose, in the event of no person receiving a majority of Electoral votes at the first balloting, that the Electors shall again meet, forthwith, in their respective States, and vote for the two persons having the highest number of votes in the first instance. This will almost invariably insure an election by the Electors at the second balloting. Indeed, it may be fairly presumed, that every candidate who is convinced he cannot be one of the two highest, in the first instance, will withdraw from the contest; and, in this manner, the probability of an election at the first balloting will be very much increased.

This branch of the amendment is recommended by all the reasons which can be urged against the election of the President by the House of Representatives. And these, in the opinion of the committee, are cogent and conclusive.

All history teaches us the melancholy truth that, in the election of a Chief Magistrate of a great Republic, intrigue and corruption, under the various and insidious disguises which they are capable of assuming, are the deleterious principles against which the precautions of human wisdom are least capable of providing an effectual resistance. The danger to be apprehended from these principles is in direct proportion to the temptation and the means of rendering them efficient instruments in promoting the views of ambition. And what prize can hold out more attractive temptations to the ambitious, than the Presidency of the United States? In pursuit of what object is even a virtuous mind so much exposed to the blandishing delusions of that wretched casuistry, which makes the end sanctify the means? And when we advert to the immense store of patronage which would be placed for distribution in the hands of the successful aspirant, it cannot be disguised, that he would have precisely those means of tampering with the members of the House of Representatives, by which the wages of wickedness might be received in the disguise of virtue's recompense; and the wretch who sold his integrity, might almost delude himself into the belief that he was serving his country. It is exceedingly unpleasant to indulge the idea, that the representatives of a virtuous and enlightened people could ever be swerved from any duty by selfish or sinister views; but we have the authority of more than human wisdom for saying, "lead us not into temptation." It is therefore the deliberate opinion of the committee, that the only effectual mode of preserving our Government from the corruptions which have undermined the liberty of so many other nations, "is to confide the election of our Chief Executive Magistrate to those who are farthest removed from the influence of his patronage."

As long as the National Legislature continues to have so direct an agency in the election of the President, even excluding the supposition of corrupt influence, the most injurious effect must be produced upon the character of its members and the temper of its deliberations. The Legislators of the Union will be converted into partisans of the respective candidates for the

Presidency; their mutual criminations will unavoidably distract and embarrass the essential business of the country; and, instead of devoting themselves, exclusively, to the great objects of their legislative trust, their time will be engrossed in holding consultations and projecting devices, for the purpose of controlling public opinion on the Presidential election; and it would but too certainly result, that principles would be sacrificed to men.

It may be fairly assumed, that, until the Constitution is amended, the President of the United States will, in general, be elected virtually by Congress in one form or another. Without intending to blend the consideration of temporary questions and passing events with the general views here presented, the committee will be excused for adverting to the fact, that the eventual choice of the President by the House of Representatives, in a mode which makes a single member from one State equal to thirty-six from another, will always furnish an argument, or a pretext, for those preliminary combinations, which all admit to be evils in themselves, and only to be excused as the means of avoiding greater evils. In this manner, we are not only exposed to the contingent evil, growing out of the Constitution itself, but the certain evil of combinations for the avowed purpose of avoiding it. Congress will not only have the power of choosing a President from the three persons who shall receive the largest number of electoral votes, but will have a plausible argument in favor of nominating a President, before the electoral vote has furnished them with any certain indication of popular opinion, to direct their choice and limit the extent of their discretion.

It cannot be disguised, therefore, that the tendency of the state of things now existing under the Constitution, is to convert Congress into a permanent electoral body. Under these circumstances, the candidates for the Presidency, instead of devoting themselves to the service of the country, by measures calculated to promote the welfare and secure the confidence of the people, will be tempted to devote themselves to those arts of conciliation and management, by which the members of Congress may be most effectually secured in their interest. The ultimate consequence would be, that our Chief Magistrates would be elected by cabals of politicians, having views and interests alien from those of the people, and that the country would be governed by a succession of factions, each proscribing the members and destroying the work of the one which preceded it, and communicating to the operations of our system all the unsteadiness of a turbulent democracy, and all the tyranny of a temporary despotism.

The committee, therefore, believe, that the only effectual mode of rendering the Government efficient and steady in its operations, and at the same time consistent with the security of the general liberty, is to infuse more of the Democratic principle into the election of the President, making him, in fact, as he is in theory, the choice of the people.

Having thus attempted to show, they trust not altother without success, that the rights and interests of the people imperiously demand that the proposed amendment should be adopted, the committee will offer a few concluding remarks upon the manner in which the States will be relatively affected by it.

It may be justly doubted whether, on such a question as the present, the States, as separate communities, can have any interest different from that of the people of the States, considered merely as portions of the common mass of our general population. But, as it is not to be expected that one class of States will surrender, without an equivalent, the relative power secured to them by the Constitution, the committee have endeavored to introduce into their plan such principles of compromise as will be most likely to secure a general acquiescence.

The division of all the States into districts will prevent them from moving in consolidated masses, and will diminish the relative power of the large States more than that of the small States; but for this there is an ample and equitable equivalent, in the diminished probability that the election of the President will come into Congress, and in the surrender by the small States, of their equal power, even when that contingency shall happen. This compromise is forcibly recommended by the consideration that the powers given up, both by the large and the small States, are powers which they ought not in justice to possess, and which are not transferred from one to another, but surrendered by both to the people.

As it is obvious that neither the large nor the small States ever will consent, or perhaps ever ought to consent, to correct the great and increasing evils of our present system, without mutual equivalents, similar to those provided in the plan submitted by the committee, the question for both to determine is, whether they will submit to the existing evils, great as they are, by the admission of all, or magnanimously offer up, on the altar of their common country, powers which are neither consistent with the rights of the people, the purity of the Government, or the harmony of the Union.

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid, to all intents and purposes, as a part of the said Constitution:

"For the purpose of choosing a President and Vice President of the United States, each State shall be divided by the Legislature thereof into so many districts as the State shall be entitled to Representatives in Congress, and each district shall be composed of contiguous or coterminous territory, and contain as nearly as may be conveniently the number of persons for whom the State is entitled to a Representative according to the apportionment; which districts, when laid off, may not be altered until after another census shall have been taken. The inhabitants of each of the said districts, who shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, shall appoint one Elector of President and Vice President, having the same qualifications. The Electors appointed shall meet in their respective States, and appoint the two other Electors to which the State is entitled, and also fill up vacancies, if such there shall be, from death, sickness, inability, or non-attendance, of electors appointed by the people. The whole number of Electors of each State shall then vote, by ballot, for the President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make lists of all persons voted for as President, and of all persons voted for as Vice President, showing the number of votes given for each, which lists they shall sign and certify, and transmit, sealed up, to the Seat of the Government of the United States, directed to the President of the Senate, who, on receiving the same, shall call a joint meeting of the Senate and House of Representatives, in which he shall preside. He shall, in the presence of such joint meeting, open all the certificates, and the votes shall be counted. If any person shall have the votes of a majority of the whole number of Electors appointed, he shall be the President; and if no person shall have the votes of such majority, the President of the Senate shall, by proclamation, and by notification to the Executive of each State, as also to each of the Electors appointed, declare the fact, that no person is chosen President, and the names of the persons having the two highest numbers of votes. The Electors shall thereupon meet again in their respective States, fill up vacancies in their body, if any shall have occurred, from death, sickness, inability, or failure to attend, of any of the Electors previously appointed, and shall then proceed to vote for one of the persons, as President, who, at the first meeting, had one of the two highest numbers of votes of all the Electors; they shall make and transmit, as already prescribed, lists of the persons voted for at the second meeting, which shall be counted in like manner as the votes given at the first meeting; if, on counting the votes given by the Electors of such second meeting, it shall appear that one of the persons who had one of the two highest numbers of the votes given at the first meeting, has a majority of the votes of all the Electors given at the second meeting, he shall be the President; and if no person has such majority, the members of the Senate and House of Representatives, in joint meeting, shall, without separating, voting individually, and not by States, choose the President, in manner following: a majority of the whole number of Senators and Representatives present, and voting, being necessary to a choice; if there be two or more persons, each of whom have the highest number of Electoral votes, given at the second meeting, each one of them shall be chosen; if there be only one person having the highest number of Electoral votes, less than a majority, one of the persons who have one of the two highest numbers of votes shall be chosen; whenever more than two persons shall be eligible by the joint meeting, and no choice shall be made on the first ballot, the number shall be reduced, by dropping those who shall receive the smallest number of votes, until no more than two remain, one of whom shall be chosen; if two persons shall receive an equal number of votes, being each one moiety of the whole number given, he who had the highest number of Electoral votes, given at the second meeting, shall be the President; and if they had an equal number of votes at such second meeting, he who had the highest number of Electoral votes given at the first meeting, shall be the President; and if they had an equal number of Electoral votes, given at the first meeting also, then the Senators and Representatives shall ballot until one of them is chosen.

"The person having the highest number of votes as Vice President, given at the first meeting of the Electors, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, and a President shall not have been chosen at such first meeting, the same proceedings shall be had for the choice of a Vice President as are prescribed for the choice of a President; but if, at the first meeting of the Electors, a President shall have been chosen, and a Vice President shall not have been chosen, then, from the persons having the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the number present, and voting, shall be necessary to a choice.

"The Congress may, by law, fix the day for appointing Electors for President and Vice President, and the days for giving their votes the first and second time, which days shall be the same throughout the United States; and the day for giving their votes the first time, shall be not less than ten, nor more than twenty days from the day fixed for the appointment of Electors.

"The Legislature of each State shall have power to appoint the places of holding elections for the appointment of Electors, to prescribe the manner of voting, and to provide for the appointment of proper persons to conduct such elections, with authority to declare, definitively, the result thereof; but the Congress may, by law, make or alter such regulations, and may also lay off into districts, for appointing Electors, any State, the Legislature whereof shall have failed to lay off the same as herein directed."

Mr. MCDUFFIE, from the same committee, also reported a joint resolution, proposing an amendment to the Constitution of the United States, as respects the election of members of the House of Representatives; which resolution was read twice, and committed to the Committee of the Whole House on the state of the Union. The resolution is as follows:

Resolved, &c. That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be part of said Constitution:

"For the purpose of electing representatives in Congress, each State shall be divided, by the Legislature thereof, into as many districts as will equal the number of Representatives to which such State may be entitled in Congress, and each district shall be composed of contiguous or conterminous territory, and contain, as nearly as may be conveniently, the number of persons which entitles the State to a representative in Congress, according to the apportionment; which districts, when laid off, shall not be altered until after another census shall be taken. Each of the said districts shall elect one Representative to Congress, and the times, places, and manner, of holding the elections in the said districts shall be prescribed by the Legislatures of the States respectively; but the Congress may, at any time, by law, make or alter such regulations."

TUESDAY, December 23.

Another member, to wit: from Virginia, JOHN FLOYD, appeared, was qualified, and took his seat.

Mr. COBB presented a petition of Peter L. Jackson, of the State of Georgia, setting forth that he is a native of England, and arrived in the United States in the year 1802, a minor; that he has not been naturalized according to the laws on that subject; but that, having arrived a minor; having grown into manhood; having married a native American woman, and raised a family of children;

and having, in the late war with Great Britain, repeatedly performed military duty; and, subsequently, been repeatedly appointed to office by the Executive and by the people of Georgia, he ever considered himself a citizen of the United States: but that, owing to information lodged by some evil disposed persons, he has been, recently, ejected from a civil office, to which he was elected by the people of Putnam county, in Georgia, in consequence of its being decided by a judicial tribunal that he is not a citizen of the United States; and praying that a special act may be passed, admitting him, forthwith, to the rights of a citizen of the United States; which petition was referred to the Committee on the Judiciary.

Mr. **Owen** presented a petition of Thomas F. Townley, on behalf of himself and the other heirs at law of the late Don Miguel Eslava, praying that all right of the United States to certain tracts of land granted by the late Spanish government of Louisiana to their ancestor, may be relinquished to the petitioners; which petition was referred to the Committee on Private Land Claims.

Mr. **Webster**, from the Committee on the Judiciary, to whom the subject was referred, reported a bill to repeal in part an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned;" which was read twice, and committed to a Committee of the Whole.

Mr. **Webster**, from the same committee, who were also instructed to inquire into the expediency of allowing costs in certain suits concerning the rights of patentees, reported a bill concerning costs in certain cases; which was read twice, and commited to the Committee of the whole House to which is committed the bill last mentioned.

Mr. **Webster**, from the Committee on the Judiciary, asked to be discharged from the consideration of the petition of sundry inhabitants of Pembina, or Lord Selkirk's settlement, on Red river of Hudson Bay, on the ground that there was nothing in their petition upon which the Judiciary Committee could act; which motion was agreed to.

Mr. **Newton**, from the Committee on Commerce, reported a bill for the relief of William Bartlett and John Stearns, owners of the schooner Angler; and Nathaniel Carver, owner of the schooner Harmony, and others; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Campbell**, of Ohio, from the Committee on private Land Claims, made a report on the petition of John Jenkins, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Campbell**, from the same committee, made a report on the petition of William Kendall, accompanied by a bill for his relief; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill last mentioned.

On motion of Mr. **Plumer**, of New Hampshire, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for compelling the attendance of witnesses before commissioners named in commissions issued by the courts of the United States, for taking evidence in other districts of the United States than those where the courts are held: And, also, into the expediency of establishing, by law, a mode of taking evidence in equity cases depending in the courts of the United States.

Mr. **Little**, from the Committtee on Pensions and Revolutionary Claims, reported a bill for the relief of Sarah Chitwood; which was read twice, and committed to a Committee of the Whole.

A Message was received from the **President of the United States**, which is as follows:

To the House of Representatives of the United States:

I herewith transmit to Congress a statement, by William Lambert, explanatory of his astronomical calculations, which were made with a view to establish the longitude of the Capitol.

JAMES MONROE.

Washington, *December* 23, 1823.

The Message was read, and, with the accompanying documents, referred to the Joint Library Committee.

Mr. **Mallary** laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess, (which may be disclosed without injury to the public good,) relative to the determination of any sovereign, or combinations of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign, or combination of sovereigns, may afford to Spain for the subjugation of her late colonies above mentioned.

IMPRISONMENT FOR DEBT.

Mr. **Webster**, from the Committee on the Judiciary, to whom was referred the bill from the Senate supplementary to the act "for the relief of persons imprisoned for debt," reported the same, with an amendment, changing the whole tenor of the bill.

Mr. **Webster** explained the grounds on which the Committee on the Judiciary had proposed this amendment. The act of 1800, he said, provided that the oath, in the case of insolvent debtors, should be administered by the district judge; but, if he resides more than twenty miles from the place of imprisonment, then the oath may be administered by a commissioner, to be appointed by the district judge. The bill from the Senate proposes to provide, further, that, where a citation has been issued, in case of absence or inability of the judge, &c., the oath may be administered by a commissioner, according to the mode prescribed by the act of 1800. The committee of this House, on examining the subject, thought it better to provide that in all cases the required oath may be administered by a Judge of the Supreme Court, the district judge of the district in which he resides, or by any commissioner appointed by either of them. In the shape in which the bill came from the Senate, it would not afford a remedy, it was believed, in the very case which gave rise to it.

The House concurred in the amendment reported by the committee; and, thus amended, the bill was ordered to a third reading.

LIGHTHOUSES, BEACONS, &c.

The resolutions submitted yesterday by Mr. Livingston, calling on the Secretary of the Treasury for information respecting lighthouses and beacons, on the Bahama banks and coast of Florida, and requesting that the President may negotiate for the cession of so much land on Abaco as is necessary for the erection of a lighthouse, were taken up.

In supporting the resolutions, Mr. Livingston observed, in relation to the first of them, that he was well aware that measures had already been taken by Government, preparatory to the erection of lighthouses on two of the points referred to, viz: on the Dry Tortugas, and at or near Cape Florida. But, although the necessary surveys were nearly completed, much time must unavoidably elapse before a report of the proceedings could be laid before the department to which they appertained; and, in the meanwhile, sufficient information might be laid before Congress to authorize them to act upon the subject, so that the Secretary of the Treasury could advertise, the ensuing season, for contracts for erecting the several works contemplated in the resolutions. Those works, Mr. L. said, were of pressing necessity. The navigation of the seas, over and within the vicinity of the Bahama banks, was exposed to very great danger, and had already suffered much from shipwrecks. Not to mention the losses which had thus occurred to vessels in the merchant service, the United States had suffered, in wrecks of her public armed vessels in those seas, more than would have sufficed to cover the expense of the entire system of measures proposed in these resolutions.

The second resolution he conceived to be necessary for making the navigation of the Bahama channel, both ways, secure. Ships were continually passing over the Bahama banks, where the water was shallow, and the neighboring land very low; in consequence of which, they were imminently exposed to shipwreck. The wrecks on Abaco alone would, he said, amount to an immense sum. A lighthouse on that island, at or near the site of the Hole in the Wall, would greatly, if not entirely, remove the danger which now existed, and render navigation safe. But, for the erection of such lighthouse, previous negotiation would be necessary, in order to obtain the ground on which to build it. Of the success of such negotiation, there could be no doubt. The British Government had no interest hostile to such a measure; but, on the contrary, they were interested in its favor, for the same reason with ourselves, although not to the same extent. Besides the spots on which lighthouses were erected, there were others which ought to be designated by buoys.

The third resolution, Mr. L. said, was intended to obtain information in respect to a class of islets, concerning the true jurisdiction of which he confessed himself to be ignorant; he meant those small rocky islands which are separated from the Bahama bank by deep channels, and therefore might possibly be considered as not included in the British jurisdiction, which confessedly extends over the bank itself. If, on investigation, it should appear that these islets do belong to Great Britain, then they would be included in the range of the second resolution, which relates to the cession of the requisite territory for lighthouses and beacons. But if, on the contrary, it should be ascertained that they are not British territory, then a question would arise, whether they were not liable to become ours by right of occupancy. They would afford temptations to occupancy for no other purpose than that proposed in the resolution. They contain, in general, no soil, being little more than bare rocks washed by the sea, yet are of such formation as to admit of the placing of buoys and beacons upon them for the warning and direction of the mariner, &c.

The question was then taken on the resolutions of Mr. Livingston, and they were agreed to, without opposition.

The resolution yesterday offered by Mr. Herrick, calling for detailed information respecting the extent of post routes, amount of postages, &c., was called up and adopted.

COMMERCE WITH GREECE, &c.

The resolution submitted yesterday by Mr. Breck, calling on the Secretary of the Treasury for the amount of exports and imports to and from Greece, Asia Minor, and Egypt, from 1820 to 1822, with the duties on these imports, was next taken up.

Mr. Breck, in explaining the object of the resolution now before the House, said that it was obviously necessary, before we entered into any measure, such as that proposed by a resolution now before the House respecting a mission to Greece, which might be deemed by the Turkish Government a measure of a hostile character, that we should fully understand the amount of the trade, which we might, in consequence of such hostility, be obliged to relinquish, as well as the probable amount of revenue to arise out of the trade we may, in consequence, gain. With this view, the resolution calls for distinct statements of the amount and value of imports and exports from and to the countries now under the control of the Turkish Government, and from those possessed by the Greeks in arms.

Mr. Newton (Chairman of the Committee of Commerce) observed, that he was always in favor of obtaining information; but, in the present case, if the gentleman who had moved this resolution would turn to the documents already before this House, he would there find all the information he seeks. The exports and imports of the United States to every part of the world are there distinctly stated. In the annual report of last year, the exports of the year ending September 1822, to Africa, are stated to amount to $115,544 and the exports to $141,378. A report of this description is made every year; and that for the present year will soon be before the House. Mr. N. thought, therefore, that, as the officers of Government have so much to do already, it was a pity to burden them with labors of supererogation.

Mr. Breck replied.—From the remarks of the honorable gentleman, he was persuaded he had been misunderstood. The object he wished to get at was a statement of the commerce of this country to Greece, to Smyrna, and to Egypt, separately. That to Greece would be included in the tables relating to Europe, and that to Smyrna in those of Asia; so that the statement of the gentleman respecting our trade to Africa did not reach the case he aimed at. Besides, it would be a matter of much labor to pick out of the general statements from the Treasury the information he wanted. One gentleman would state it at one amount and another at another, but a clerk in the office could do all he wished to have done in half an hour, and then the statement would be clear and intelligible to all. Then the House would be able to see, at a glance, what we must lose by a quarrel with the Turks, and what we are likely to gain by it, even should the Greeks succeed in establishing their independence.

Mr. Cambreleng said he was not disposed, any more than the gentleman from Virginia, to object, in general, to inquiries for information—but he really thought that now proposed unnecessary. The information, said Mr. C., which the gentleman seems to desire, may be reached by consulting a single line of the documents from the Treasury. For we have no trade to Egypt, of any kind, nor any direct trade with the Archipelago. All our direct trade is with Smyrna, at least all contracts are made there, &c. Even the oil and wine we obtain from Greece we get through Smyrna. All, therefore, that the Secretary of the Treasury can give, in answer to this call, will be simply a statement of the exports and imports to Smyrna.

Mr. Newton made a few further observations to the same import as those already reported.

Mr. Webster said that he had no objection to the call for information, if the gentleman wished it—but the gentleman had mistaken the purport of the motion he had formerly made on the subject of the Greeks, if he conceived that the scope of that resolution was such as to produce a quarrel with the Turkish Government. His object in rising now, was to state, that he had submitted no resolution which, in his judgment, would lead to any such thing—and he wished to prevent any such impression from going abroad as that his resolution was a declaration of war against the Turks. No doubt the United States had a valuable commerce with Smyrna—but so they had in the ports of Spain, when similar inquiries, with respect to that country, were made in Congress. There was no jeopardy of our commerce implied in either case. The object of my resolution, said Mr. W., is simply an authorized inquiry into facts. With these remarks, he said, he had no objection to the resolution now before the House.

Mr. Wood, of New York, in support of the resolution, observed that its object was not to obtain the amount of the commerce to Smyrna, but that to the Peloponnesus, to Greece, to "Greece in arms." The tables to which gentlemen had referred the mover, did not discriminate Greece proper from the Greeks in Asia Minor. The seat of the contest between the Greeks and the Turks was Greece proper—and the resolution asked the amount of our trade to this part of Greece, that we might be able to form some estimate what we should gain, as well as what we should lose, by any measure that might go to involve us in any degree in their controversy.

Mr. Storrs said, that to him it appeared that the obtaining of the information sought for by the resolution, was, in the nature of the case, impracticable. There is none to be obtained on which we can practically rely. He would submit to the honorable gentleman himself, who had moved the resolution, whether it was possible to get the distinct facts he wished to obtain. From whence were they to be had in any authentic form? And if they could be got at all, they must come too late in the session to bear on the discussion contemplated. All that was useful to the House was to be found in the statistical table which had been referred to. The motion did not propose to call for any statements since 1822. What is asked for, was the amount of our commerce to Greece and the Levant, previous to that time, and that was already in the possession of the House.

Mr. Wood, in further explanation, said, that the object of the resolution proposed by Mr. Webster, and now laying on the table, was to form a basis for intercourse with Greece, either political or commercial. If a political intercourse was the object, he did not want the information now called for; but he took it for granted that the great object aimed at, and the sole one consistent with prudence, was a commercial intercourse. Then, before we incurred the expense of an Ambassador or Plenipotentiary, or other public agency, it was first proper to ascertain whether the productions of that country were so valuable, or its consumption so extensive, as to make it an object worthy of the expense of the proposed mission.

Mr. Cambreleng said, that he was sorry again to trouble the House, but he felt persuaded that he was himself able to give the gentleman all the information he aimed at, without troubling the Department for it. To Greece proper, that is, to Macedonia, the Peloponnesus, and Thrace, we have not now, and never have had, any direct trade at all. All we had, of any kind, with Greece, was through Smyrna, on the one side, or Trieste on the other. A call, therefore, for a statement of our commerce to Greece proper, would certainly produce no result.

Mr. Breck explained.—He never had intended to insinuate that the resolution of the honorable member from Massachusetts was intended to lead to hostilities with the Turks—all he said was, that the Turks might choose to view it as a hostile measure, for which it was proper we should be prepared. The gentleman from New York had said that we have no direct trade whatever with

Greece proper. How was this to be reconciled with the fact stated by Mr. Hobhouse, in his late account of his travels in that country, that the United States have a Consul at Patras, an important port in the Morea? However, since the gentleman had kindly offered to furnish the information at which he aimed by the resolution, he would forbear to press it for the present.

On motion of Mr. **BRECK**, his resolution was then ordered to lie on the table.

ADJUSTMENT OF LAND CLAIMS.

Mr. **COOK**, of Illinois, offered the following resolution for consideration:

Resolved, That a committee be appointed to inquire into the expediency of reporting a bill to provide for the appointment of a board of commissioners to examine and adjust all claims to land by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or act of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments.

In offering this resolution,

Mr. **COOK** said that something more than four years experience in the House had led him to the conclusion, that much of the time of the House might be saved by the establishment of a tribunal of the description which he proposed, and much of the money of the people, too, the expenditure of which is caused by the protracted sessions of Congress. It had long been a desirable object to take from this House a great portion of the labor which grows out of the investigation of these claims. It was impossible, indeed, from the nature of things, that the House could thoroughly understand and correctly decide upon the vast number of claims which are continually presented for their consideration. His object, then, was, that some plan should be presented to the House, the details of which might become a subject of consideration after the bill was reported. He adverted to the fact, that more than a million of acres of land are reserved from sale for the purpose of satisfying such claims as should be found admissible, which claims have been kept in suspense, some of them for nearly a quarter of a century, and all of them too long. Injustice was thus done to the Government, by keeping up the land from sale, or to the individuals who claim it by withholding from them their right. A board of commissioners, if established, might either pass upon the claims definitely, or collect evidence, and digest and report it to Congress, with their opinion thereupon. More justice would in this manner be done, as well as much time be saved. For the last four years it had been seen that many measures of national importance had been entirely passed over, for the want of time on the part of the House to act upon them. In consequence of the time occupied by the discussion of land claims, in which members felt, for their constituents, a deep interest, the great subject of manufactures, for example, among many others, had been tossed aside, or permitted to slumber on the tables. It was to endeavor to provide a remedy for this crying evil, that he had proposed this resolution.

Mr. **FOOT**, of Connecticut, moved to lay the resolution on the table. Negatived, seventy-five to sixty-five.

Mr. **FOOT** said his object in this motion was to avoid a discussion, off-hand, on this proposition, which, being affirmative, could not be expected to pass without a discussion of the principle which was involved in it.

Mr. **COOK** said it was by no means his object to invite discussion, or to consume any considerable portion of the time of the House. He had offered it from a firm conviction that there was a disposition, on the part of this House, to resort to some plan to abridge the labor to which it is now subjected. The resolution presented to the House no question but that of the expediency of having a plan presented for its consideration, which was all that the select committee would have to do. It was not his wish to bring on a discussion now, of the principle which the plan would involve.

Mr. **CONDICT** moved to amend the resolution so as to inquire into the expediency of reporting a plan, &c.

Mr. **COOK** accepted this amendment as a modification of his motion. He said it would probably answer his purpose as well as his original motion.

Mr. **WILLIAMS**, of North Carolina, moved to amend the resolution, so as to direct the Committee on the Public Lands, instead of a select committee, to inquire into the subject.

Mr. **COOK** said he had as much disposition as any one to refer to the standing committees of the House the things which come properly within the sphere of their duties. But the Committee on the Public Lands was already overwhelmed with business. There were persons not on any committee, who might be very usefully employed in the investigation of this subject. He referred particularly to the distinguished gentleman from Louisiana, (Mr. **LIVINGSTON**,) whose talents and experience would be of important service in the discussion of the subject, &c.

Mr. **WILLIAMS** said, that the reason which induced him to move the amendment was a very obvious one. The gentlemen who composed the Committee on the Public Lands were presumed to be acquainted with the subject of land claims, more than other members, and there was a propriety in any general measure on that subject emanating from that committee.

Mr. **BRENT** supported the amendment. The resolution required the committee to inquire into the expediency of the plan proposed. To do this, it was necessary that they should be acquainted with the claims preferred, and the state of them severally. For another committee to acquire this knowledge, would necessarily consume much time; which, in the other case, would be saved. The intimate knowledge, too, possessed by the standing committee, would enable them, when they reported on the plan, to accompany and support their opinion, whether favorable or otherwise to the measure, with full and satisfactory reasons.

Mr. RANKIN rose to propose a modification of the motion of Mr. WILLIAMS. Though not courting the reference of business to the Committee on Public Lands, he was willing, as one of that committee, to take upon himself the responsibility which properly belonged to that committee, and he thought the Committee of Public Lands would be probably as competent to the due examination of this subject as any committee which could be selected. The amendment which he was about to propose, Mr. R. said, would go further than that of the gentleman from North Carolina. The gentleman from Illinois, it appeared to him, had not well explored his ground. His proposition went to the appointment of commissioners to decide on claims. But, Mr. R. said, other plans had been heretofore suggested for a decision of these claims. One of them proposed to refer the adjudication of them to the Secretary of the Treasury; another to the district courts of the United States in the respective districts; and a variety of plans had been proposed, which might be equally proper with the one suggested by the gentleman from Illinois. This, however, was not the only objection to the shape into which the gentleman from Illinois had thrown his motion. The House would find, upon examination, that the resolve would include all land claims that had ever existed from the beginning of the Government, thus opening anew the whole field of legislation on that subject. In anticipation of something of this kind being proposed, Mr. R. said, he had prepared a resolution which he intended to offer by way of amendment. It was, he admitted, very important to the Government, and to individuals, that some final decision should be had on this subject. Whatever were the merits of the claims, they ought to be settled. He should, therefore, move an amendment which went to refer the subject to the Committee on Public Lands, with greater latitude for inquiry than the resolution as it stands would allow to them.

Mr. WILLIAMS withdrew his motion, to make way for Mr. RANKIN'S; when

The SPEAKER proceeded to the orders of the day, which supersedes, for the present day, the further discussion of original motions.

The engrossed bill for the relief of Jeremiah Manning, and the engrossed bill for the relief of Thomas W. Bacot, were then severally read a third time, passed, and sent to the Senate for concurrence. And the House adjourned.

WEDNESDAY, December 24.

Mr. CASSEDY presented a petition of sundry citizens of New Jersey, engaged in the manufacture of duck and cotton bagging, praying that additional duties may be imposed on duck and all coarse cloths manufactured from hemp, tow, and flax, which may hereafter be imported into the United States; which petition was referred to the Committee on Manufactures.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of sundry distillers of Berks county, in the State of Pennsylvania, accompanied by a bill for the relief of said distillers; which bill was read twice, and committed to a Committee of the Whole.

Mr. McL., from the same committee, to which the subject was referred, reported a bill making provision for a private secretary for the President of the United States; which bill was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on Public Lands, to whom was referred the bill making provision for the correction of errors in the entry of lands at the land offices, reported the bill with an amendment, by which the whole of the former bill, after the enacting clause, was stricken out, and a new bill substituted.

The bill was read, as amended, and referred.

Mr. R., from the same committee, to whom was referred the memorial of the Legislature of the Territory of Arkansas, praying for land for the sites of certain public buildings, reported a bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land; which was twice read, and committed.

Mr. COCKE, from the Committee on Indian Affairs, reported a bill appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, reported a bill for the relief of Samuel Wharton; which was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which the subject was referred, reported a bill to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; which was read, and committed to a Committee of the Whole.

Mr. H., from the same committee, to whom the subject was also referred, reported a bill to authorize the laying out and opening certain public roads in the Territory of Florida; which was read, and committed to a Committee of the Whole.

The SPEAKER laid before the House a report from the Postmaster General, in obedience to the resolution of the 16th instant upon the subject of "distributing post offices;" which was read, and referred to the Committee on the Post Office and Post Roads.

The SPEAKER also laid before the House a report from the Secretary of State, made in obedience to the resolution of the 8th instant, calling on him for information respecting sick and disabled American seamen, who may have been provided for in the infirmary or hospital, at Liverpool, in England, under the direction of the American Consul at that place; which report was laid on the table.

The SPEAKER also laid before the House a report of the Secretary of War, on the petition of George Burton; which was referred to the Committee on Pensions and Revolutionary Claims.

On motion of Mr. GURLEY, the Committee on the Public Lands were directed to inquire into the expediency of increasing the salary of the register and receiver of the land office at St. Helena Courthouse, in the State of Louisiana.

On motion of Mr. Francis Johnson, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a judicial district in Kentucky, on the south of Green river.

Mr. Livingston submitted the following resolution:

Resolved, That provision ought to be made by law for increasing the establishment of the Military Academy at West Point, so as to admit five hundred cadets as students in the same; and that the committee on that part of the President's Message which relates to the Military Academy, be directed to prepare and bring in a bill accordingly.

The resolution, on motion of Mr. L., was laid on the table.

On motion of Mr. McArthur, the Committee on the Judiciary were instructed to inquire into the expediency of providing a more adequate punishment than is provided by the existing laws, for postmasters and other persons employed in the management or transportation of the mail, who may be guilty of robbing the same.

The bill from the Senate entitled "An act supplementary to 'An act entitled an act for the relief of persons imprisoned for debt," was read the third time, and passed as amended.

The House went into Committee of the Whole on the bill for the relief of Brintnell Robbins, (for loss in a contract for building boats at Pittsburg, to be delivered at Cleaveland, in Ohio.) The bill was reported without amendment, and ordered to be engrossed for a third reading.

The House went into Committee of the Whole on the bill for the relief of Loudon Case. Mr. Rich, from the Committee of Claims, having explained the circumstances of this claim, the bill was reported without amendment, and ordered to be engrossed for a third reading.

PARTRIDGE'S MILITARY ACADEMY.

On motion of Mr. Buck, it was

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of authorizing the Secretary of War to permit the issue of ammunition to Captain Alden Partridge, Superintendent of the American Literary, Scientific, and Military Academy, for the improvement of the pupils of said Academy in practical gunnery.

Mr. Buck said, that, before the question was taken, he wished to explain to the House the object aimed at by the resolution. It was a motion for inquiry merely. The motion proposes to instruct the Committee on Military Affairs to inquire into the expediency of issuing such ammunition as might be necessary for improving the young men who were students under Captain Partridge, in the practical part of the art of gunnery, and other military science connected with it.

The high reputation of Captain Partridge could not but be well known to the members of this House. He had formally superintended the military school at West Point, and he had since set up a similar institution in the State of Vermont. It was conceded by all that this institution was of great utility. It operated as a powerful auxiliary to the progress of military science in our country. There were at present in it one hundred and fifteen young gentlemen, who received instruction in the various branches of military education, all which were taught with acknowledged ability. But it was not to be expected that the resources of an individual could provide for the expenses of practical, as well as theoretical instruction. All that he asked, in order to perfect this department of the Academy, was the issue, at the expense of Government, of so much ammunition as was requisite for practising the students in the use of fire-arms, and in the application of the principles of gunnery. The quantity was left wholly to the discretion of the committee, and could not be large. The Government, Mr. B. observed, has not only a general interest in this institution, as one eminently promoting the improvement of military science; but a particular and direct interest in it, arising from the fact, that many of the students at this moment receiving its benefits were officers in the United States Army.[*]

Mr. Hamilton supported the resolution. He hoped that the inquiry for which it asked would not be precluded. He was acquainted with the high character and eminent attainments of Capt. Partridge; he did not doubt they were generally known and acknowledged by this House. They had drawn the public notice to the Seminary over which he presided. For himself, he felt certain, that, whatever labor might arise in making the inquiry, would be willingly undertaken by the Committee on Military Affairs, of which he had the honor to be a member. He did not mean by this remark to be understood as expressing any opinion, or giving any pledge as to what opinion the committee might express, as the result of the inquiry, or what Congress might conclude to do on the subject; but he thought the inquiry proposed was due to a Seminary which formed a powerful auxiliary to that at West Point, &c.

The motion of Mr. Buck was then agreed to.

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[*] December 26, 1823.

Messrs. Gales & Seaton,

Gentlemen: In your report of the few remarks I had the honor to address to the House of Representatives, in support of my motion, on the 24th instant, there are two mistakes, which it may be important to have corrected. The first is in relation to the number of Cadets in Captain Partridge's Academy, which is stated at one hundred and fifteen. The true number is one hundred and fifty-five. The second error is in the statement that there are officers of the Army who are members of the above mentioned institution. There are several gentlemen holding appointments in the Navy who are members of the Academy, and some gentlemen who contemplate procuring appointments in the Army, but none, to my knowledge, who have already procured commissions in the Army. Will you have the goodness to correct the mistakes above mentioned, and oblige yours, respectfully,

D. A. A. BUCK.

SOUTH AMERICAN COLONIES.

The resolution yesterday offered by Mr. Mallary, calling on the President for any information he may possess (and which may be disclosed without injury to the public good) relative to the determination of any sovereign or sovereigns to aid Spain in regaining her American Colonies; and the disposition of any other European Government to oppose it, was taken up.

In support of his resolution, Mr. Mallary rose and observed, that it would be recollected, by every gentleman present, that the message received at the opening of the present session from the President of the United States, was of an extraordinary and strongly marked character. Its introduction prepared the House for subjects of great importance; nay, the President went so far as to say that "there never was a period, since 'the Revolution, when, regarding the condition of 'the civilized world and its bearing on us, there 'was greater necessity for devotion in the public 'servants, to their respective duties, or for virtue, 'patriotism, and union, in our constituents." When we come to examine the body of the message, said he, we discover nothing to which this language can apply, except the situation of the great European Powers, and the bearing which that situation may have upon this country. Those Powers had united their efforts against the cause of freedom on the continent of Europe, and had successfully put down every struggle to maintain it. It was possible they might extend their plans across the Atlantic, and that their attention would next be directed to the Republics of South America. Such appeared to be the impression of the President; and if such were actually the state of things, the United States must probably become deeply involved in the event of such a contest. It was impossible we could be indifferent to the attempts of despotic power to crush the cause of freedom in our own hemisphere. That some plans of this sort were in agitation, was plain, from the tenor of the message. The President would not have warned the two Houses of Congress that all their firmness would be called for, if there were not something of serious moment in the political horizon, not seen by all. And as, in this public document, the Chief Magistrate had thought proper to go so far, it was certainly proper in the House to meet his communication by requesting such information, on the subject to which he had alluded, as he might deem it consistent with the public welfare to disclose. It was proper and desirable that we should know as much as possible of the dangers to which we are exposed.

The question was then taken on the resolution, and it was agreed to without opposition.

CLAIM OF BEAUMARCHAIS.

Mr. Tucker, of Virginia, rose to call the attention of the House to a message from the President to the House of Representatives, transmitted at the first session of the Seventeenth Congress, exhibiting the correspondence between the United States and the French Government, relative to the claim of Beaumarchais. He would not take up the time of the House by any remarks on the merits of that claim, this not being the proper stage of business in which to speak of them. His object in rising was to move the reference of this correspondence to a select committee. He should have moved the reference of it to the Committee of Claims, but that the chairman of that committee had expressed an unwillingness to take cognizance of it. It was high time, Mr. T. said, that this claim, which has been standing now for thirty odd years, whatever be its merits or its fate, should be finally and conclusively disposed of.

The motion to refer the correspondence to a select committee was agreed to, without a division; and Mr. Tucker of Virginia, Mr. Livingston, Mr. Buck, Mr. Tyson, and Mr. Rives, were appointed said committee.

NAVAL PENSIONS.

The bill to continue for five years longer the half-pay pensions to the widows and children of officers, seamen, and marines, of the Navy, who have died in service, passed through a Committee of the Whole without debate, and the question being about to be stated on ordering it to a third reading—

Mr. Cobb said he was not willing that the bill should pass without some reason being given why it ought to pass. Our system of pensions, he thought, had been too far extended. All the efforts on the subject seemed to be to ascertain how far it could be extended, instead of how far it could be reduced and narrowed down. These pensions were at first allowed for five years—afterwards, for five years more; and now it was asked of the House to extend them for another five years. To ascertain whether the House was disposed to go on, without reason, in extending these pensions, he moved to strike out the first section of the bill.

Mr. Crowninshield said that the general reason why the bill should pass is, first, that those pensions are not paid out of the Treasury; the money comes from the captures made by these very officers and seamen, and is by law reserved for the special purpose to which it is by this bill proposed to appropriate it. That fund, Mr. C. said, is adequate to pay all the pensions that can be charged upon it. There is now a surplus of that fund to the amount of fifteen or twenty thousand dollars per annum. If this money, the proceeds in part of captures, is to be taken from the officers and seamen to constitute a fund for pensions, he did not see why those pensions should be withheld from them. The fund is their property, and not that of the nation, and why shall they not have the benefit of it? So far as depends on me, said Mr. C., I would not deal it out to them in this manner—I would declare the pensions at once for life, and not stint the widow and the orphan of their allowance.

Mr. Livermore observed, on what had fallen from the gentleman from Massachusetts, that, if it was impossible that the number of claimants to the benefits of this fund could ever increase, the reasoning of the gentleman would be entirely conclusive; but their number may, and, in case of a war, certainly will, increase very greatly. He, therefore, thought it most advisable to let the fund accumulate. Are gentlemen afraid, asked Mr. L., of having money on hand for any purpose, or in any shape? He was, with his present impressions, against this bill.

Mr. **Cambreleng**, in replying to the gentleman from New Hampshire, took occasion to notice the origin and character of this fund. In 1800, Congress, varying from the British rule of granting the whole of the prize money to the captors, appropriated one-half of the proceeds of all prizes of inferior force to create a Navy Pension Fund for the support of invalids. During our late war, after the fall of some of our most gallant officers and seamen, a question arose whether, in strict justice, their widows and orphans should not be provided for out of that fund which a share of their prize money had contributed to create. Congress, by the acts of 1813-'14, granted pensions to them, and the pension roll now embraces invalids, widows, and orphans.

In replying, particularly, to the argument of the gentlemen from New Hampshire, who seemed to apprehend the insufficiency of the fund, and desired to see it accumulate, he remarked that, previous to eighteen hundred and twelve, the amount was inconsiderable. During the war, however, it augmented very rapidly. It is now ample. While this fund continued to be regulated by existing laws, it was impossible that it should not be always sufficient to provide for the pensions charged upon it. In peace it must inevitably increase by death or marriage, or by the children's reaching the age to which their pensions are limited. In war, although the pension roll would be enlarged, yet, through captures, the fund would still more rapidly accumulate. In peace, the accumulation would be gradual but uniform—in war, rapid. Should the portion of prize money now appropriated by law be continued to this fund, it will probably be larger than will be necessary to accomplish the purposes designed. It is all-sufficient, and must continue as long as the Government stands. It is invested, principally, in Government stock. Such was the condition of a fund which, through the provident care of Government, had been reserved out of the prize money of our officers, seamen, and marines, for the use of themselves when disabled—their widows and orphans. By the original act, the faith of the Government was forever pledged to keep this fund sacred, and to appropriate it to these purposes. He hoped we should discharge the condition of the trust, and provide for their widows and orphans. He was unwilling, at all times, to appeal to the passions of the House, but there was something in the very character of this bill calculated to rouse the patriotism and excite the sympathy of every American. We were now renewing pensions to the widows and orphans of our gallant mariners. Of the veteran Barney, whose valor is recorded in the histories of two wars—of Lawrence, whom fate selected as a victim to soothe for a moment—but for a moment—the wounded pride of an enemy over whom he had previously triumphed—who died as he had lived, bravely fighting for his country. Of Blakeley and his gallant crew. In the career of Blakeley there was something peculiarly splendid—in his brief story, something sublime. His ambition was of an elevated cast; it disdained the pursuit of helpless enemies. He at once crowded his canvass for the British coast—he eagerly sought dangerous war amidst fleets of armed enemies. He found it and triumphed. Scarce had we ceased our rejoicings for this victory, when we heard of him again literally surrounded by enemies—sinking one—engaging a second, and retiring only on the approach of a third. Unhurt, though exposed, in this unequal combat, he gallantly steered his course to southern latitudes. But here the historian of human affairs drops his pencil—another, more worthy to note the deeds of gallant men, seizes it as it falls—the recording angel registers their fate—where the fate of brave men should be—in Heaven!

It is for the widows and orphans of these gallant men we are now providing. The only objection to the bill he conceived to be the limitation to five years. That ought to be struck out—the fund was ample, and would undoubtedly remain so. He trusted the House would pass the bill promptly and unanimously.

Mr. **Cobb** replied that the explanation given by the gentleman from New York was entirely satisfactory. He was happy to understand the nature and flourishing situation of the fund, and, since it was in so prosperous a state, he hoped that Congress would not be called on to grant out of the public treasury any more pensions to the wives or children of navy officers. He hoped that Mrs. Lawrence, Mrs. Perry, and others, whose names had been mentioned, would be provided for out of this fund, which was so abundantly able to supply whatever it was deemed proper to allow. And with these remarks he withdrew the opposition he had made to the bill.

Mr. **Livermore** rose merely to say that he was fully satisfied with the explanation given, and would now cordially vote in favor of the bill.

The bill was then ordered to be engrossed for a third reading.

ADJUSTMENT OF LAND CLAIMS.

The following resolution, proposed by Mr. Cook, of Illinois, and discussed yesterday, was again taken up:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill to provide for the appointment of a Board of Commissioners to examine and adjust all claims to land by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or act of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments.

Mr. **Rankin**, of Mississippi, moved to amend the same, by striking out the whole of it, and inserting in lieu thereof the following:

"That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the decision, by some tribunal, of all claims to lands in Louisiana, Mississippi, Alabama, and Missouri, and in the Territory of Arkansas, which claims have been heretofore presented to some one of the Boards of Commissioners heretofore appointed to examine titles and claims to land in said States and Territory, but which have not been finally acted upon because the quantity claimed exceeded that which said boards were severally authorized to confirm, or report to Congress for confirmation."

Mr. Cook objected to the amendment proposed by the gentleman from Mississippi, because it fell entirely short of reaching the object he had in view in the original resolution, and which he thought the circumstances of the case required. There were many land claims against the United States which had never been presented to any of the Boards of Commissioners; these were, by the amendment, wholly excluded, and yet they constituted precisely that class of claims for which it was most necessary to provide a mode of settlement. There were, within his knowledge, many such in some of the States. Mr. C. said, it was true that the object which he had in view was general and universal; yet the proposition he had presented to the House was far from extending so far, or being of such an indefinite kind, as the gentleman from Mississippi seemed to have supposed. He owed it to himself to say, that the meaning imputed to the resolution by that gentleman, in his observations yesterday, was one which never entered into his thoughts. That which the gentleman urged as the principal objection to the proposition, was, in its very nature, impossible. He seemed to apprehend that it would be the operation of this resolution to disturb the title of occupants, and who held, under warrants from the United States, by reviving claims which have been rejected. This was impossible. A vested right could never be divested—Congress could not divest it—the attempt would be a direct violation of the Constitution. But, though these cases could not be disturbed, there were others which, on the face of them, appeared to be equitable, which must be omitted if the amendment of the gentleman from Mississippi prevailed, and would consequently be thrown upon Congress, which it was the object of his motion to prevent. Mr. C. said, he had no particular preference with respect to the committee to whom the inquiry was to go. All he wished was, that it should go to some competent committee of the House, by whom the general measure might be considered. Some gentlemen seemed strongly in favor of sending these claims to the Judiciary for settlement; but, on further reflection, they would perceive that there are many objections to such a course. If they go to the Judiciary, it must be because they are proper subjects for legal adjudication; and, if so, they must go through the whole process of a regular trial in each case. The cost of such trials will be enormous, the delay enormous, and the difficulties altogether insurmountable.

Mr. Rankin replied. In the remarks he had yesterday made, touching the unlimited range contempated by the resolution, he was far from aiming at the motives or intention of the gentleman from Illinois—he spoke merely of the resolution as it stood; and its terms did certainly bear him out in what he had said. What is the plan of the gentleman from Illinois, as it is expressed in his resolution? It is to submit to a Board of Commissioners, without limit or restriction, "all claims to lands by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or acts of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments;" that is, all claims derived from the British Spanish, or French Governments. Such a plan will manifestly rip up all decisions on land claims from the very formation of this Government. By the decisions of the Boards of Commissioners for the investigation of land claims, many claims have been rejected, and the titles of many claimants have been barred by the statutes of limitation. All these claims will, under this resolution, come up again for decision—they are all within its terms. I do not believe at all that the honorable mover intended to include them—but such is the fact. My object is not to bring before this new tribunal, which is proposed to be established, claims which have already been before previous boards of the same general description, and there decided—this would be endless. I wish to present to this general tribunal only such claims as have never been presented at all, or which, having been preferred before the several Boards of Commissioners heretofore appointed, have, on account of their magnitude, or for other reasons, been left undecided. Large quantities of the public lands are subject to claims of this description; and, though held back from sale on that account, are, nevertheless, becoming partially settled. In a little time these setlers will be so numerous as to become too strong to be controlled by the decisions of any Board of Commissioners; and, in truth, as it is, Congress would probably be gainers by giving away some of these tracts without waiting for a decision upon the claims.

Mr. Cook, in answer, said, that he was sorry the gentleman from Mississippi had entered so much into detail in the present stage of this measure. Such was not now his intention. He wished to give the committee to whom the inquiry was to be submitted, general and unrestricted powers over the plan, to extend or to limit it as they might prefer. The amendment would go to deprive them of this power. It cuts off at a blow twelve or fifteen hundred claims from the State of Missouri, which have indeed been barred by the statute of limitations, but which have equity on the face of them. A cold-hearted Government, which repels the holder of a just and bona fide claim to a tract of land because he was not fortunate enough to get sight of a newspaper acquainting him with some recent decision of Congress respecting land claimants, or because he happened to be unavoidably absent when such regulation was enforced, is not the Government which Mr. C. said he wished to have any share in administering—the amendment goes to cut off claims equitable in their nature, which have been pressing several years for settlement, and which, if that amendment prevails, the House will still have hanging on its hands. In this House they cannot have a full and deliberate investigation—the thing is impracticable. Then let the committee have full powers to prepare a plan, which shall provide for disposing of them as it shall think most expedient. Do not forestall their decision.

Mr. McCOY, of Virginia, was in favor of the amendment. He hoped the general tribunal would be confined to the adjudication of such large claims as have been presented, but, from their magnitude, not acted upon. As to such as at this late time of day have never been presented at all, he should entertain great doubts of their soundness. Boards of Commissioners have been in existence in most of the States and Territories from 1805 to 1822. Surely, in all those years, the claimants had had sufficient time at least to present their claims. The members all knew that many claims had been presented before those boards and rejected as fraudulent. To erect a tribunal now, to go back and disturb all these decisions, would be to create an evil tenfold greater than that sought to be removed.

Mr. FULLER, of Massachusetts, was opposed to the amendment, as going too much into detail, and improperly restricting the committee. He saw no evil which could arise from adopting the original resolution; it only directed an inquiry. It was merely an inceptive measure towards obtaining a general plan for effecting an object which he believed was generally desired. He was convinced the honorable gentleman near him, who presided in the Committee of Private Land Claims, would say that, by the amendment of the gentleman from Missouri, many claims which now come before that committee would be excluded from the proposed tribunal, and of course left still on the hands of this House.

Mr. RANKIN explained. He was sure the gentleman from Illinois was too well acquainted with the subject of land claims not to know the mischiefs which would result from so broad a measure as the resolution certainly contained. The gentleman from Massachusetts, it was not to be presumed, was as well informed on the details of this subject. Mr. R. here went into some details on the nature and relative merits of several descriptions of land claims. The proposition of the gentleman from Illinois, he said, virtually proclaims to all claimants, "come now and present your old grants, and we will disturb the whole of the decisions had against you." In presenting such a state of things, Mr. R. thought there was nothing cold-hearted or illiberal. That private may be known from public lands, the claims must necessarily be presented within some fixed period. A limitation had been found necessary, and had accordingly been adopted. But, if the resolution of the gentleman from Illinois is adopted, the whole mass of claims, barred or not, will be opened to investigation. This, said Mr. R., will certainly excite alarm. But, even if you erect such a tribunal, if you give it any limitations at all, particular claims will still come up to this House for examination. He believed that many of the claims from Missouri were equitable in their nature; and Congress might, if it thought proper, pass a general law providing for them. The House cannot prevent people from petitioning; but, if the plan proposed in the amendment be adopted, the petitions excluded from the tribunal will come with far less grace before this House than at present, because they will all be for claims which have already been submitted to commissioners, and rejected.

Mr. COOK went into a farther explanation, in which he insisted on the ground he had already taken. He would repeat, that it was, in his judgment, a cold-hearted policy, while great tracts of land are held in reserve for the express purpose of meeting and satisfying just claims against the United States, to turn away a claimant who has an equitable demand, merely for default in point of time or of formality, when he can fairly account for his ignorance or his delay.

The SPEAKER here rose, and objected to the scope of discussion in which gentlemen had indulged themselves. The simple point before the House for discussion was the fitness of the inquiry proposed.

Mr. SCOTT said, that he was opposed to the measure in toto, in either of the shapes in which it was now presented—being unwilling to lash the claims of Missouri to the fate of any others whatever. To allow time to prepare such an amendment as he should like, he moved that the resolution and amendment be laid on the table and printed; which was carried.

FRIDAY, December 26.

Mr. CROWNINSHIELD presented memorials and petitions from sundry merchants and underwriters of Salem, Marblehead, and Gloucester, in the State of Massachusetts, praying compensation for spoliations committed on their lawful commerce, by French cruisers, between the years 1793 and 1800; which memorials and petitions were ordered to lie on the table.

Mr. SHARPE presented a memorial signed by a committee on behalf of the citizens of the city of New York, convened by general notice in said city, praying that the tariff of duties may be so increased as to shield the manufactures of the United States from foreign competition.

Mr. HEMPHILL presented a similar memorial of sundry citizens of the city and county of Philadelphia in the State of Pennsylvania.

The said memorials were referred to the Committee on Manufactures.

Mr. SCOTT presented a petition of Charles Gratiot, lieutenant colonel of engineers, praying extra compensation for extra services rendered by him as principal artillery and ordnance officer in the Northwestern army, commanded by General Harrison in the late war with Great Britain; which petition was referred to the Committee on Military Affairs.

Mr. **SLOANE**, from the Committee of Elections, made a report on the petition of sundry inhabitants of Norfolk county, in Massachusetts, remonstrating against the election of John Bailey, a member of this House, on account of his having not been, at the time of his election, an inhabitant of the district and State in which he was elected, but a resident at the city of Washington; and asking for power to send for testimony; which leave was granted *nem. con.*

The report of the Secretary of State, of the 24th instant, in relation to seamen provided for in the hospital at Liverpool, in England, was referred to the Committee on Commerce.

On motion of Mr. **WAYNE**, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of fixing, by law, the net amount of annual income which shall disqualify any applicant from being placed on the pension list, under the acts of March 18, 1818, and May 1, 1820.

Mr. **RANKIN** laid the following resolution on the table, for consideration, viz:

Resolved, That the Commissioner of the General Land Office be directed to inform this House if the situation of his office and the public interest requires an additional number of clerks to be employed therein; and if so, what number, and for what length of time their services will be required.

Engrossed bills, of the following titles, viz: An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service; an act for the relief of Brintnell Robbins; and an act for the relief of Loudon Case, were respectively read a third time, and passed.

JACOB SCHAEFFER.

The engrossed bill for the relief of Jacob Schaeffer was then read a third time; and the question being on the passage of the bill—

Mr. **TAYLOR** moved that it be recommitted to the Committee on Private Land Claims, with instructions "to inquire into the expediency of so amending the same, as to provide for the allowance of bounty land to the non-commissioned officers and privates of the United States Army, and to their representatives, who enlisted for five years or during the war, and were honorably discharged previous to the expiration of the respective terms of their enlistment."

The case of this claimant may be stated as follows: He enlisted as a private in the Army of the United States for five years; but, after serving some eighteen months, he was discharged, the war being over, and he being anxious to rejoin his family, on condition of relinquishing his claim to bounty land. He now asks for the passage of a law to give him his bounty land. [There was an additional ground for his claim for 160 acres of land, viz: that he had purchased the assignment of the claim of another soldier to his bounty land, but not with sufficient formality to give him a legal title to it; but this ground was little relied upon, the debate turning upon the principle involved in the other claim.]

On the principle of this bill a debate arose, in which considerable eloquence and ingenuity were displayed, which occupied the whole day; in the course of which, the claim was opposed by Messrs. **TAYLOR, ROSS, STERLING, WRIGHT, LIVERMORE, KREMER, RANKIN**, and **COOK**; and advocated by Messrs. **W. SMITH, A. SMYTH** of Virginia, **CAMPBELL** of Ohio, **MALLARY, HOUSTON, WEBSTER**, and **STORRS**.

The general grounds on which this bill was opposed, were, that it was unfair to make a difference between the case of this soldier and so many others who were discharged under similar circumstances. If any act was passed, it ought to be a general one—that Schaeffer could not claim either on the ground of his own services or those of Sharp, because, in his own person, he had not served the five years for which he had enlisted, and had, besides, expressly covenanted to relinquish his bounty land; and the transfer of Sharp's warrant to him was directly in the face of an express law prohibiting such transfers. If this petition should be granted, there was nothing to hinder all the soldiers who, at the close of the war, had relinquished their bounty land for the sake of a discharge, from still demanding it, even although (as was the case with some) they had served but a few weeks. The petitioner had not obtained, what the law expressly demanded, an "honorable discharge," with "a certificate of having faithfully performed his duty."

The ground taken by the advocates of the bill was, that Schaeffer had fulfilled his contract with Government, having served till discharged; that his discharge was to be considered as an "honorable" one, since nothing appeared to the contrary; and that his relinquishment of his bounty land was void in law, the officers having had no right to interpose conditions on the discharge of a soldier; such an act, under the circumstances, being an unfair advantage taken of his situation.

The motion of Mr. **TAYLOR** was negatived by a large majority.

After further debate, the question was at length taken on the passage of the bill, the yeas and nays having been required by Mr. **TAYLOR**, of New York, and decided as follows:

YEAS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Archer, Ball, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Brown, Buckner, Burleigh, Campbell of Ohio, Collins, Condict, Conner, Crowninshield, Culpeper, Dwight, Edwards of Pennsylvania, Ellis, Floyd, Foote of New York, Forsyth, Frost, Garrison, Gazlay, Gist, Gurley, Hamilton, Hemphill, Henry, Hooks, Houston, Isacks, Johnson of Virginia, F. Johnson, Kent, Lawrence, Leftwich, Letcher, Locke, Long, McKean, McLean of Ohio, Mallary, Marvin, Moore of Kentucky, Neale, Newton, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Sandford, Sharpe, Sibley, Sloane, Arthur Smith, Alex. Smyth, William Smith, Standefer, J. Stephenson, Strong, Thompson of Georgia, Trimble, Tucker of South Carolina, Tyson, Vance of Ohio, Van Rensselaer, Webster, Whipple, Whittlesey, White, Williams of New York, Wilson of New York, Wilson of South Carolina, and Wilson of Ohio—79.

Nays—Messrs. Alexander of Virginia, Allen of Massachusetts, Allison, Bailey, Barber of Connecticut, Bartlett, Bassett, Bradley, Breck, Buck, Cady, Cambreleng, Carter, Cary, Cassedy, Cobb, Cocke, Cook, Crafts, Craig, Cushman, Day, Durfee, Dwinell, Eddy, Foot of Connecticut, Fuller, Gatlin, Hall, Harris, Harvey, Hayden, Herkimer, Hobart, Hogeboom, Holcombe, Jenkins, Kremer, Lathrop, Lincoln, Litchfield, Livermore, McArthur, McCoy, McDuffie, McKim, Mangum, Martindale, Matlack, Matson, Mitchell of Pennsylvania, Moore of Alabama, Nelson, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Randolph, Rankin, Reed, Rich, Rives, Ross, Spaight, Sterling, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Thompson of Kentucky, Tod, Tomlinson, Udree, Vance of North Carolina, Van Wyck, Vinton, Wayne, Whitman, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wood, Woods, and Wright—85.

So the bill was rejected. And then the House adjourned to Monday.

Monday, December 29.

Mr. Morgan presented a memorial of a committee appointed at a numerous and respectable meeting of the citizens of New York, assembled to take into consideration the situation of the Greeks, praying Congress, at a convenient and proper season, to recognise the independence of the Greek nation, now engaged in arms in the maintenance of their independence against the power of the Ottoman or Turkish Empire; which memorial was ordered to lie on the table.

Mr. Condict presented a petition of Oliver Hull and others, cultivators of the castor bean, and manufacturers of the castor oil, extracted from the same, praying that additional duties be imposed on foreign castor oil, upon the importation thereof into the United States; which petition was referred to the Committee on Manufactures.

Mr. McKim presented a memorial of sundry underwriters and merchants of the city of Baltimore, praying for the aid of the Government of the United States, in their endeavors to procure redress for their ships and merchandise, seized in certain ports of Europe, under edicts issued by the Government of France; which memorial was laid on the table.

Mr. Moore, of Alabama, presented a petition of Curtis Lewis, praying that the district judge of the district of Alabama may be directed to deliver up to the Executive of the State of Alabama, certain negro slaves captured by him, while commander of a revenue cutter of the United States, in the year 1818; which petition was referred to the Committee on the Judiciary.

Mr. Whittlesey from the Committee of Claims reported a bill for the relief of William T. Nimmo, which was read, and committed to a Committee of the Whole.

On motion of Mr. Rankin, the Committee on Public Lands was discharged from the consideration of the petition from Michigan Territory for a road from Fort Meigs to Detroit, and it was referred to the Committee on Roads and Canals.

Mr. Hogeboom submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire whether any, and, if any, what further provision ought to be made by law, relative to the Military Academy at West Point.

The said resolution was disagreed to by the House.

On motion of Mr. Strong, the Committee on Revolutionary Pensions were instructed to inquire into the propriety of restoring the name of Archibald Jackson to the pension roll.

On motion of Mr. Floyd, a Committee was appointed to inquire into the expediency of occupying the Columbia or Oregon river, and to regulate the intercourse with the Indian tribes; and that they have leave to report by bill or otherwise.

Mr. Floyd, Mr. Gurley, Mr. Scott, Mr. Hayden, Mr. Bassett, Mr. Frost, and Mr. Baylies, were appointed a committee, pursuant to the said resolution.

On motion of Mr. Campbell, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing, by law, that every Postmaster intending to resign his appointment, shall give a reasonable notice, at his office, of such his intention.

Mr. Campbell stated, in support of his resolution, that Postmasters are now in the practice of resigning secretly, and recommending a successor; whose appointment is often the first intimation any body receives of the intention of the predecessor to resign. He thought this inexpedient and unfair.

Mr. Hamilton submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard either at Beaufort or Charleston, South Carolina, for the building, repairing, and equipment of sloops of war, and vessels of a smaller class, in the Navy of the United States.

The said resolution was ordered to lie on the table.

Mr. Cook laid the following resolution on the table, for consideration:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement, showing the amount of money remaining to be paid by the purchasers of public lands prior to the 1st day of July, 1820, designating the amount due for lands purchased in each State.

On motion of Mr. Farrelly, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the organization and number of the engineer corps, and ascertain whether any alteration be necessary in the same.

Mr. Farrelly observed, that the President, in his Message, informed the House that the engineer corps had been extensively employed, during the last Summer, on Lake Erie, on the waters of the Ohio, and on the Atlantic coast; and if he was not mistaken in his recollection, an honorable gentleman (Mr. Cocke,) from Tennessee, has proposed the employment of them to explore the waters in Tennessee, for the purposes of canals. It is contemplated still further to employ them, in examining the routes for canals between the waters of the Ohio and the Potomac, and those of Lake Erie and the Ohio. Perhaps at the time the corps was organized, these additional duties were not contemplated; and, as now organized, they may be inadequate to the performance of them. The primary objects of erecting fortifications on the frontiers, might have been then only contemplated: these could only be used in time of war. But these secondary objects I have mentioned, which can be used in the calm of peace, might not have been thought of. He hoped the resolution would pass.

On motion of Mr. Richard, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of opening a road between Mount Clemens, in the county of Macomb, and Fultonville, near the mouth of Pine river, in the county of St. Clair, in the Territory of Michigan.

[The object of this resolution, as stated by the mover, is to open a road into the public lands, that they may be the sooner sold and settled.]

On motion of Mr. Storrs, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the 30th section of the act, entitled "An act to establish the Judicial Court of the United States," passed September 24, 1789.

The House went into a Committee of the Whole, on the bill for the relief of William Bartlett, and John Stearns and others; which, after some debate, in which Messrs. Newton, McCoy, Hobart, Reed, and Tomlinson, took part, was reported without amendment, and ordered to be engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Jacob Babbitt, which was read, together with the accompanying report of the Committee of Claims, reported without amendment, and ordered to be engrossed for a third reading.

GENERAL LAND OFFICE.

The resolution presented by Mr. Rankin on Friday, calling for information as to the state of the General Land Office, and the necessity for more clerks therein, being taken up—

Mr. Taylor, of New York, inquired of the mover the reasons for a call of this character. There were generally enough applications made to Congress for additional clerks in the Departments, without inviting any more.

Mr. Rankin explained, and stated, in substance, that, owing to neglect on the part of the former Commissioner of the Land Office, the business of that office had fallen into much confusion. Many maps were wanting, which could not be had, the only draughtsman in the office having more than he could possibly attend to. If a few assistants were employed to bring up the arrears of business, not only might they be soon dispensed with again, but some of the clerks, now necessary, might be also dispensed with.

Mr. Taylor objected, he said, not to the object in view, but to the mode of attaining it. The House was not in the habit of applying to subordinate officers, but to the Heads of Departments, for the information they required. He hoped the gentleman would throw his motion into the form of a resolution, directing the employment of the requisite assistants, and he would have no objection to vote for it; but, as it stood, he must move that it lie on the table.

Which motion, after a few words from Mr. Rankin prevailed, and the resolution was laid on the table.

GARRETT FOUNTAIN.

The House went into Committee of the Whole, on the report of the Committee of Claims unfavorable to the petition of Garrett Fountain.

Mr. Tyson, of New York, moved to amend the report, by striking out the word "not," in that part of it which recommends that the prayer of the petitioner shall *not* be granted; which gave rise to a debate of more than an hour, in which Messrs. Sharpe, Woods, and Buck, advocated, and Messrs. McCoy and Williams opposed the claim.

The debate was somewhat desultory, much of it being aside from the point to be determined. The circumstances of the case are briefly these: Garrett Fountain, the petitioner, was agent to a contractor for furnishing provisions for the troops at a post in the bay of New York, on the Long Island shore. There being there no public store, he applied for and obtained permission from General Dearborn, to erect a store at his own expense, on the public ground, at the post. The building cost him $1,000; when he ceased to be an agent, he offered the store to the Government at a rent of $150 which was refused, and General Dearborn ordered the deputy quartermaster to take possession of the store, and allow Fountain $100 per annum. The Government occupied the store for three and an half years, and the present claim is for that rent. It was refused at the Treasury for want of a law recognising the payment of rent by the United States for a store house, the law only providing that at every permanent post a store house shall be built at the public expense. The claim was advocated on the ground of its equity and legality, and resisted on the plea that as this was not a permanent but a temporary post, contractors must put up such buildings as they wanted at their own expense. But the claim was not for the cost of the building, which was confessed to be forfeited, but merely for the rent of it when no longer occupied by the owner, but by the United States.

The amendment, to reject the unfavorable report, was adopted, ayes 88, noes 59; when the Commitee rose, and, the House concurring in the amendment, on motion of Mr. Tyson, the amended report was recommitted to the Committee of Claims, with instructions to bring in a bill pursuant thereto.

MARSHAL'S FEES.

The House then went into Committee of the Whole, on two bills reported by the Committee on the Judiciary, viz: a bill repealing, in part, the act to lessen the compensation to clerks, marshals, and attorneys in the courts of the United States; and an act concerning costs in certain cases.

The first of these bills provides:

"That so much of the act, passed on the 18th day of April, 1814, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,' as prohibits the allowance of daily compensation to marshals and attorneys in the districts in said act mentioned, be, and the same hereby is, repealed; and, that there hereafter be allowed to the marshals and attorneys for said districts, the same daily compensation as is allowed to the same officers in other districts."

Mr. WEBSTER stated the object of the committee in reporting this bill. By a reference to the actual law on this subject, it would be found that the general law of 1799, making provision for the compensation of the marshals and attorneys of the several States, provided, among other things, that a daily allowance of five dollars per day's attendance on the courts on the business of the United States should be allowed to the marshal, and a like sum to the attorney of the United States, for each judicial district. In the year 1814, an act was passed, which applied to particular districts, Massachusetts, Rhode Island, the eastern district of New York, &c. repealing the daily allowance to these officers in those districts. The ground of this partial change was, that under the peculiar circumstances of that day, during the war, the commercial districts afforded to these officers so great emoluments, in the shape of fees and forfeitures, that the stated compensation was thought to be superfluous, and was, therefore, repealed as to those districts. After the cessation of the war, this state of things became changed, and, in different years, subsequently, propositions have been made again to equalize the compensation of these officers, but, for want of time, or from some other cause, they have not been acted upon. The subject being brought before the Judiciary Committee at this session, one of two courses appeared to them obviously proper; either to extend the law to all the districts, or to repeal it as it now stood. For, whatever might be thought of one or the other course, nothing could be said in favor of retaining the present partial character of the system of compensation. On full examination, the committee had thought the better course would be to repeal so much of the law of 1814 as relates to the subject, and to place the compensations to the officers on the same footing as they stood upon previous to its passage.

An amendment was offered, by Mr. HAYDEN, going to restrict the fees of clerks in certain cases, but, after some conversation, he withdrew it, with the design hereafter to present it in a distinct proposition, and the bill was agreed to.

COSTS IN SUITS BY PATENTEES.

The bill concerning costs in certain cases, was then taken up by the Committee.

This bill provides, "That in suits commenced 'in the Courts of the United States, after the 'passage of this act, to recover damages for the 'violation of any right arising under letters patent, 'lawfully issued, for any new and useful invention, discovery, or improvement, costs shall be 'allowed to the plaintiff or plaintiffs, in all cases, 'where the sum recovered by him or them shall 'not be less than one hundred dollars."

Mr. WEBSTER explained the reason of the committee for reporting this bill. The general law forbids all recovery of costs in the Courts of the United States, where the amount of the judgment is less than five hundred dollars. This minimum, as applicable to cases generally, Mr. W. said, was perhaps too high, but, as related to cases of recovery of damages for violation of patent rights, it was supposed there were particularly strong reasons why it should be reduced. Suits of that description are instituted not so much to recover great damages as to establish the right of the inventors. The right may be a very important one, and yet the violation of it in particular instances may not involve heavy damages. In ordinary cases, the right of suing in the Courts of the United States has been regarded as a privilege, persons possessing it having the option to avail themselves of it or to resort to the State courts, &c. But, with respect to patent rights, as that subject is exclusively in the possession of the General Government, the whole right being created by the laws of Congress, and the injured person being obliged to sue in the courts of the United States or no where, it seemed right to enlarge the law so far as to allow costs to the plaintiff in all cases arising under the law of patents, where the damages awarded should amount to one hundred dollars. For that purpose this bill had been reported.

Mr. TAYLOR, of New York, moved as an amendment, that the minimum should be reduced to thirty dollars. Very useful patents often applied to articles of comparatively small value, where an infringement in any single case would not entitle the patentee to damages amounting to one hundred dollars. It was incumbent on Congress to provide for these cases, and as Government charged the patentee thirty dollars for his patent, there was a propriety in fixing upon that sum as the limit of damages on which he might obtain costs.

Mr. WEBSTER not objecting, the amendment was agreed to.

The Committee then rose and reported both bills, and they were both ordered to be engrossed for a third reading.

TUESDAY, December 30.

Another member, to wit, from Kentucky, THOMAS METCALFE, appeared, was qualified, and took his seat.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. P. P. Barbour, the Committee on Revolutionary Pensions were instructed to inquire into the propriety of reinstating Henry Hines, of the county of Louisia, on the Revolutionary pension list.

On motion of Mr. Hayden, the Committee on the Judiciary were instructed to inquire into the expediency of explaining and amending the third section of an act, entitled "An act for providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the Courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," so far forth as the provisions thereof affect the compensation of the clerks of the circuit and district courts of the United States.

Ordered, That the report of the Committee of Claims on the petition of Charles Minifie, be committed to a Committee of the whole House tomorrow.

Engrossed bills, of the following titles, viz: An act for the relief of Jacob Babbitt; An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others; An act to repeal, in part, an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned;" were, respectively, read the third time, and passed.

SYSTEM OF BANKRUPTCY.

Mr. Webster, from the Committee on the Judiciary, who were instructed to inquire into the expediency of establishing an uniform system of bankruptcy, reported that it is not expedient to establish such system.

Mr. Webster observed, that the committee had thought it proper to make an early communication of their opinion on this important subject to the House. In this opinion, a great majority of the committee concurred; indeed, he believed he was the only member who had the misfortune to differ from that opinion. The whole committee, however, were desirous of giving a fair opportunity to those gentlemen who, like himself, were in favor of the system, to bring the question before the House. Such an opportunity would now be afforded, as any member might move to amend the report, by altering it from a negative to an affirmative character. It seemed to him to be proper, on several accounts, that the opinion of the House, on the general question of the expediency of a bankrupt law, should be taken, before a bill should be brought in. In such a bill there must necessarily be much of prolixity and detail; and very much discussion might be expected to arise on particular provisions, which would seem to be misplaced, until there should be some room to think that the general measure itself was acceptable to a majority of the House. Until there was room to believe that, such a discussion upon details would have no effect but to consume time. If the House should now reverse this report, the committee would cheerfully prepare and bring in a bill. He would take the liberty to suggest, however, whether the best way would not be to proceed by resolution. In this way, perhaps, not only the general question might be settled, but, if settled in favor of the measure, subsequent resolutions might proceed to settle some of the general outlines of the system; such, for example, as what classes of persons the system should extend to; whether only to traders, technically or legally so called, or to all persons, by proper description, who have, ordinarily, occasion to use extensive credits; and whether it shall be a temporary or permanent system, &c. He made these suggestions only for the consideration of those who, like himself, were in favor of the system. And, to the end that they might have an option, to proceed by way of resolution, or by motion to amend the present report, he would move that the report lie upon the table.

The report was accordingly laid on the table.

TRADE WITH THE INDIANS.

Mr. Rich offered the following:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the practicability and expediency of adopting measures which shall more effectually restrain either citizens of the United States or foreigners from hunting or trapping on lands to which the Indian title has not been extinguished, and exclude foreigners from a participation in the Indian trade.

Mr. Rich, in introducing the above resolution, said, that he conceived it due to the House to state some of the reasons which induced him to offer it for adoption, and to hope that the inquiry it proposed would prove successful. During the last season, he was sorry to state, there had occurred on our Western borders, a killing and wounding of traders, and a slaughtering of Indians, which was much to be regretted. The attack made by the Indians is said to have been unprovoked; it may have been so; he hoped, for the honor of our country, that such would turn out to have been the fact. He did not entertain a doubt, that all that could, under the existing laws, be done to prevent so unhappy an occurrence, had been done by the Executive. He believed, however, it would, on investigation, be found, that the laws had been violated, and the rights of our red brethren infringed. In support of his remarks, Mr. R. asked leave to read certain parts of the correspondence which had been submitted to the House on this subject.—[He here read a letter of Mr. Pilcher to Major O'Fallon, communicating a letter from Mr. Gordon, which gave an account of the arrangements for hunting made by the party.] This unhappy fracas had arisen, it seemed, while our traders were marching, trapping, and counter-marching. [Here Mr. R. quoted the letter from General Atkinson to General Gaines, enclosing another from General Ashley to Major O'Fallon.] The object of this expedition, Mr. R. went on to say, was to procure and carry away that game to which the Indian tribes had as just a right as any of us have to the property we hold. In relation to that part of the resolution which refers to the exclusion of foreigners from this trade, unless we could effect this, he was persuaded we need look for nothing but a continual recurrence of events of the same kind as had occurred—a constant waste of human life. If more efficient means to preserve pacific relations with the Indian tribes could not be devised, or were impracticable, then we had better withdraw, at once, our troops from the Indian country altogether.

Mr. VANCE moved to amend the resolution by striking out the last clause, (to exclude foreigners from the Indian trade,) but afterwards withdrew the amendment, and the resolution was adopted, as moved by Mr. RICH.

CONTESTED ELECTION.

Mr. SLOANE, from the Committee of Elections, made a report on the petition of Parmenio Adams, contesting the right of ISAAC WILSON to a seat in this House, as one of the Representatives of the State of New York; which report was committed to a Committee of the Whole. It is as follows:

That, by the laws of the State of New York, "for regulating elections," all elections are by ballot, and are directed to be held by towns in each county within the State, and the supervisors, assessors, and town clerks of the several towns, or a majority of them, are to constitute a board of inspectors, whose duty it is to superintend the elections in their respective towns, and after making a canvass of the votes given at any election, to cause the same to be recorded in the town books, and transmit to the office of the county clerk a true return of the votes so canvassed, when the same shall be examined by a board of county canvassers. After the whole number of votes given in the county is ascertained, and an entry thereof made by the clerk on the records of the county, he shall immediately make out three certified copies thereof; one of which he shall forward to the Governor of the State, one to the Comptroller, and one to the Secretary of State, to be laid before the State canvassers. The State is divided into districts for the election of Representatives to Congress, and the county of Genesee forms the twenty-ninth district. The election for Representatives in the present Congress was held on the first Monday of November, 1822, and the two succeeding days. It appears that, at that election, Isaac Wilson and Parmenio Adams were candidates in opposition; and by the official certificate of the clerk of Genesee county, it appears that Isaac Wilson, by the returns from the several towns, had 2,093 votes, and that, by the same returns, Parmenio Adams had 2,077 votes. The petitioner rests his claim to a seat solely on the ground that, in the town of China, in said county, the board of inspectors made a mistake, by returning for the sitting member 67 votes, when, in fact, the true number given for him was only 45 votes, and ought to have been so returned. The sitting member relies on three points to support his right to retain his seat. 1st. That in the town of Attica a mistake took place, similar in its nature to the one which occurred in China, by which mistake the petitioner had 98 votes returned for him by the board of inspectors of the election in Attica, when the true number given was but 93 votes, and that so it ought to have been returned. 2d. That in the town of Middlebury, the board of inspectors rejected one vote which ought to have been counted for him, because, being a printed ballot with his name thereon, but partially erased with the stroke of a pen, it was considered as a blank vote; and, 3d. That in the towns of Stafford and Byron six ballots were improperly destroyed by the boards of inspectors in those towns, and not included in the canvass, which he contends were given for him, and ought to have been taken into the general estimate of those towns. In support of the different allegations of the parties, a number of affidavits are produced, taken in the presence of both. No attempt is made to impeach the character or veracity of any of the witnesses. They are principally officers of the election, chosen by the citizens of their respective towns, and presumed to be gentlemen of respectability. The committee have carefully examined the testimony, and consider it as entitled to full credit. They are clearly of opinion that the testimony respecting the return from the town of China establishes the fact that 22 votes were returned for the sitting member more than the number he actually received; and they are equally satisfied that, in the town of Attica, five votes were returned for the petitioner more than were given for him by the electors of said town. With respect to the vote which the sitting member claims in the town of Middlebury, the committee are of opinion that he has failed to produce proof sufficient to warrant the conclusion that the board of inspectors acted improperly in considering it a blank ballot. This ballot, it appears, was a printed one, and the name of the sitting member was impressed thereon, but "was excluded from the canvass and estimate, because" it was defaced "by one stroke of a pen drawn over the name, but that every letter was distinct and legible."

All the inspectors of election agree in the opinion that, from the manner in which this ballot was defaced, it must have been the intention of the elector who presented it, to have it considered as blank. It will be observed that these inspectors, from the nature of the trust confided to them, and from the obligations they would necessarily feel to discharge their duty with fidelity, together with the superior advantage which their situation afforded them of judging more correctly than any spectator or by-stander could do, must be presumed to be more competent to decide this question than any other persons could be. With the decision of the board of inspectors in this case, the committee are not disposed to interfere. They consider it a question on which it would be impossible to come to any deliberate conclusion, without being possessed of the same opportunity and advantages which were afforded to the board of inspectors. No person can undertake, with safety, to determine, from any description of a ballot of this sort, what decision he might be disposed to make from an actual inspection of the ballot itself. By the law of the State, the board were constituted the judges. They performed their duty, and are still convinced that their judgment was correct; and the committee are not disposed to question their decision. The claim of the sitting member to have certain votes, which are stated to have been given for him in the towns of Stafford and Byron, counted in his favor, is not considered to be sufficiently established by the testimony. All the inspectors agree that the ballots were folded together, and a reference to the poll lists confirmed the fact that more ballots were received than were names on those lists.

The suggestion of some of the witnesses, that these ballots *might* have been innocently delivered by the electors, without any intention of committing fraud, will not avail in a case of this kind. By the law of the State, every elector who conducts in that way forfeits his right of suffrage on that occasion. The law on the subject is positive. It provides that "if any two or more ballots are found folded or rolled up together, none of the ballots so folded or rolled shall be estimated." Upon a full view of the whole case, the committee are of opinion that the election was conducted with fair and honest intention on the part of the board of inspectors of the several towns to which their inquiries have extended; and that their testimony is competent, and ought to be received, to correct any mistakes which may have occurred in returning the votes given at said election. That justice, in this case, requires that there be deducted from the aggregate number of 2,093 votes returned for the sitting member, the twenty-two votes which were allowed to his poll by the mistake in the return from the town of China, which will make the whole number of votes to which he is properly entitled, 2,071; and that, in like manner, a deduction ought to be made from the aggregate number of 2,077, returned for the petitioner on account of the mistake of five votes returned for him in the town of Attica, more than were given for him in that town, which will leave to his poll 2,072 votes, being a majority of one vote over the sitting member. The committee, therefore, submit the following resolutions:

"*Resolved*. That Isaac Wilson is not entitled to a seat in this House.

"*Resolved*, That Parmenio Adams is entitled to a seat in this House."

Memorial of the Petitioner.

To the honorable the House of Representatives in the Congress of the United States of America:

The petition of the undersigned, Parmenio Adams, humbly showeth:

That your petitioner and Isaac Wilson were opposing candidates for the office of member of Congress in the twenty-ninth Congressional district of the State of New York, composed of the county of Genesee, at an election held in said district on the first Monday of November, 1822, and on the two succeeding days, in pursuance of a law of the said State, to elect a member to represent said district in the Eighteenth Congress of the United States of America; that the whole number of votes given for such member of Congress, at the said election, in the several towns composing the said district, as returned by the proper officers, was 4,170; and, of that number, 2,077 were returned as having been given for your petitioner, and 2,093 for the said Isaac Wilson.

And your petitioner begs leave further to represent that the board of inspectors of election for the town of China, in said district, returned to the board of canvassers, appointed by a law of the said State of New York, sixty-seven votes as having been given in said town for your petitioner for member of Congress as aforesaid, and, by mistake, sixty-seven votes as having been given for the said Isaac Wilson for member of Congress as aforesaid; which said number of sixty-seven votes for the said Isaac Wilson was counted, and allowed by the said board of canvassers, in order to make up the said number of 2,093 given for the said Isaac Wilson in the said district: whereas, in truth and in fact, your petitioner did receive sixty-seven votes in the said town of China; but the said Isaac Wilson received only forty-five votes in the said town; so that your petitioner did, in truth, receive 2,077 votes in the said district; but the said Isaac Wilson did, in truth, receive but 2,071 votes in said district; which gives to your petitioner a majority of six votes over the said Isaac Wilson, there being no other candidates for the office of member of Congress in the said district, at the said election, who received as many votes for the said office as either your petitioner or the said Isaac Wilson.

And your petitioner further states, that, from the facts above stated, which are proved to your honorable body by the affidavits and documents accompanying the prayer of your petitioner, he is entitled to a seat with your honorable body as a Representative in Congress, but that he cannot avail himself of what he considers to be his right, without the aid of your honorable body, the said Isaac Wilson having obtained a certificate of his election in the said district.

Your petitioner, therefore, prays that the seat of the said Isaac Wilson, in your honorable body, may be vacated, and your petitioner have leave to resume the same, in conformity to the will of the electors of the twenty-ninth Congressional district in the State of New York, as expressed in and by the said election.

And your petitioner will ever pray, &c.,

PARMENIO ADAMS.

Washington City, *December* 1, 1823.

Letter of the sitting member.

To the Hon. John Sloane,
Chairman of the Committee of Elections:

Sir: Inasmuch as it has been intimated that the Committee of Elections will indulge me in a few suggestions, growing out of the documents submitted to their examination, in relation to the contested election between Major Parmenio Adams and myself, I beg leave to call the attention of the committee to the following: The petitioner, it appears, seeks by affidavit to diminish the vote for the sitting member, in the town of China, where the return had been made out in due form under the statute law of the State of New York, officially signed by the inspectors of election, and returned to the district canvassers, and by them allowed and transmitted to the State Board, whereon they make their official certificate. Regarding the State law, it is believed that the return should be sustained entire as it is, or rejected altogether, on the ground of improper conduct of the inspectors, as appears from their own testimony. It will be noticed that the town clerk entered the said official return on the town book different from the number contained therein, at forty-five votes for the sitting member, without consulting any one of his associate inspectors, and, but a few days thereafter, made up his affidavit that the sitting member had received forty-six votes in said town of China. If, however, it should be adjudged proper by the committee, from the case presented, to correct the return of the town of China, in accordance with the memorial introduced by the petitioner, it is expected that the broad ground will be assumed of extending full and perfect equity to the parties, and that he who had the greatest number of votes in the ballot boxes, and was thereby fairly sustained by the greatest number of electors in the district, should be allowed to prevail. The petitioner claims a majority of six votes over the sitting member, by correcting the alleged mistake in the town of China. Under this view of the case, I proceed, sir, to an examination of the testimony produced on the part of the sitting member, remarking that he relies, with perfect confidence, on the accumulated testimony, to prove a mistake in the official return of the town of Attica, in said district, in returning ninety-eight votes for the petitioner, instead of ninety-three, the true number given for him in said town. Six of the seven inspectors and clerks, to wit, four inspectors and two clerks of election of the said town of Attica, all testify that they are clear and distinct in their recollections, and are positive that the canvass of that town gave the sitting member a majority of thirty votes over the petitioner; whereas the return to the clerk's office, and official canvass, show a majority of twenty-five only. Two of the inspectors, and the two clerks, are equally clear and distinct in their recollections of the particular number given for each candidate; and several of the witnesses recollect distinctly the whole number of votes given in said town for both candidates, and the number of names on the poll list; and, superadded to this weight of evidence, is a minute, in writing, of the candidates' names voted for at the election, with the number of votes given for each, in figures, set opposite, identified by Mr. Stevens, one of the clerks, to be in his own handwriting, taken down by him at the time of the canvass. These six witnesses were examined by the petitioner on interrogatory, and, in my humble apprehension, their answers strengthen the body of their affidavits.

The petitioner made an attempt to rebut their testimony. He introduces three witnesses; first, Simeon Williams, junior, member of the board, and town clerk, who made out the official return, and is made to say, in the body of his affidavit, "That when the said certificate was completed, and the number of votes received and canvassed, for members of Congress, inserted therein, as stated to this deponent by the said clerks, he, this deponent, called upon the inspectors and one of the clerks, to the reading, and comparing, &c., which being done, and no objection, &c., it was thereupon signed," &c. Whereas, in his answer to the last interrogatory, he confesses, that upon the call of the board to the reading, "and after the reading, one of the clerks said, you have not got the Congress votes down; to which he answered he had not, and one of the clerks then orally gave him the number of votes, &c., and he is not certain whether the returns were compared or not after the addition of the Congressional votes." Thus, in the body of the affidavit, and in the answer of the last interrogatory, are stated distinct facts, directly in collision with each other, which prove that the witness was mistaken in the body of his affidavit; and there is no doubt that, after the Congressional votes were set down, the returns were not read or compared, but were immediately signed and kept by Mr. Williams for record. Moses Disbrow, another witness, stood by one of the clerks, and counted the tally paper at ninety-eight, and saw the clerk count once and set down ninety-eight, as he supposed, by candle-light, and immediately left the room; did not see the clerk make a second count, nor did he see the other clerk count, or any comparison between them. David C. Miller, the last witness to this point, relates a casual conversation had with George Cooley, Esq., soon after the official canvass was published, and understood him to answer to this question, Do you believe there was a mistake? Answer, I do not think there was. And several weeks after, Esquire Cooley was understood to say, I have made no affidavit, (meaning to a mistake,) neither do I think I shall. In desultory conversations like these, it is not uncommon to mistake the intention of the person spoken to, and to put a different construction and complexion in detailing such conversations. The understanding of Esquire Cooley is explained in his answers to interrogatories to his own affidavit. And what does he testify? Merely that, after the whole number of votes were canvassed by the board, and put down by the clerks, and compared, the clerks announced to the board that the sitting member had a majority of thirty votes over the petitioner, and the deponent believes that he did receive a majority of thirty votes. Thus much for the attempt to avoid the mistake in Attica. We have proceeded so far on the ground of corrections, and the petitioner is one single vote in advance only. In the town of Middlebury all the testimony concurs in proving that one printed vote put into the Congressional election box, with the name of Isaac Wilson upon it, with every letter legible, and clearly and easily to be read, and without any other name or writing thereon, was thrown aside, and not included in the official return, because it was partially defaced, apparently with one dash of a pen, whereby one elector, who exercised his elective franchise, was excluded and thrown out of said return. Nothing can be more clear than that a blot or a stroke of a pen on the name, which is still perfectly legible, would not authorize the inspectors to throw it aside, on the violent presumption that it meant nothing. Names are to be written or printed on a ballot—if they are legible, it is enough. If this ballot is counted, the parties, pursuing the ground of correction, have an equal number, independent of the votes called double.

Permit me, in the next place, Mr. Chairman, to invite the attention of the committee to the testimony relating to the towns of Byron and Stafford. I mention the two in conjunction as being in some respects similar. I will, however, first advert to a circumstance which took place in the town of Stafford, at the canvass of the votes of said town, which was of an extraordinary character, and in direct violation of the State law—the denying the Electors the privilege of witnessing said canvass, and, to effect that object, withdrawing to a more private room, and fastening the usual door of entrance, and had actually made some progress in said canvass, when the first witness accidentally found means of entering the room by a back door. As proof of this, I refer to the affidavits of General W. L. Churchill and Ira Gilbert. In the towns of Stafford and Byron it appears that six votes that were in the Congressional election boxes, and given for the sitting member, were thrown aside, and not included in the returns; the inspectors, as they testify, supposing that the State law required their exclusion as double votes. But it is confidently believed that an attentive examination of the evidence in those cases will satisfy every candid and liberal mind that they were not "folded or rolled up together," (the words of the State law,) that is, enfolded together for the purpose of deception, before they were delivered to the inspectors to be put into the boxes.

It is abundantly in proof that those six votes were folded in the usual manner, and as the other votes in the boxes were folded, with the edges out on both sides. For the two votes in the town of Stafford, I refer to the testimony of Ezekiel Hall and Marvin Lord, inspectors, and General W. L. Churchill, Ira Gilbert, and Alfred Churchill, and controverted by none. The particular description of the folding is also given by the witnesses, and clearly shows that they might have slipped together in the boxes; and the presumption is strong that they did so slip together, as it is proved by B. Brooks, Esq., S. Griswold, Esq., and General W. L. Churchill, that votes in the State of New York are not unfrequently found thus slipped together, and when thus found have been canvassed and allowed. That the four votes mentioned in Byron were folded in the usual manner also, I refer to the testimony of Bartholomew Benham, Edmund Wilcox, inspectors, and Samuel B. James, present at the canvass. That the whole six votes were given to the sitting member, is proved by several witnesses, and stands uncontradicted by any one. I am aware that it will be urged that the circumstance of a disagreement of the poll lists with the votes in the boxes, is proof that the votes were put in double by the electors; but I humbly conceive that it is far from being conclusive proof, when we reflect that they were folded in the usual manner, so that they might have slipped together, and that it is not unusual that they are found thus slipped together; and moreover that it often happens that there is a disagreement between the poll lists and the votes in the boxes, as is proved by General W. L. Churchill, B. Brooks, Esq., and S. Griswold, Esq.; and not unfrequently an excess of votes, which may well happen by the neglect of clerks, through the hurry and bustle of an election, to enter the name of every elector who puts his vote into the boxes, especially when there are three boxes and three poll lists for each elector. From these and other circumstances, is not the presumption too strong to be resisted, that some of them, if not the whole six votes, were given in singly? And, while on this subject, it may be observed that the only possible ground on which the six votes can be set aside, is a fraudulent intention in the electors.

It is not only possible, but very probable, as has been shown, that these votes had slipped into each other by carrying about the boxes from one day's election to another, and from the votes having to pass the scrutiny of the inspectors as they are put in. If these votes are decided to be fraudulent, it must be from presumption merely. It is not easy to distinguish this case from all others, where fraud is never to be presumed, but must be most conclusively proven. Again, suppose that these six votes were all given in double, we have it in proof, to wit, by General Churchill, Gilbert, and James, that they might not only possibly, but probably, in that case, have been hastily received from distributors of votes thus together, and without examination put in, not knowing there were two; and, if so, no fraud could attach to the elector, and, upon the broad principles of perfect equity, disregarding the State law, the double votes should count one. From the production of the affidavits of D. C. Miller and J. B. Lay, identifying a printed sheet of votes, and proving the same to be similar to all the Congressional votes printed at the said Miller's office for the election of November, 1822, it is presumed the petitioner intends to infer a mistake by some of my witnesses in describing the caption or label of votes. The proof does not establish the inference; other votes than those printed at that office might have been circulated. But, suppose they were mistaken in that incidental circumstance, which was only introduced to show a dissimilarity between the captions; it may well be supposed that they might misplace the words of the caption, and yet be clear and correct in their recollections as to its object, to wit, designating the different candidates; and all that is said in relation to captions is not material, as the name of the sitting member was seen by the witnesses on five of the said six votes, and there is no pretension, in proof, to the contrary. Upon a review of this case, is it not clear that the election of the sitting member was equitably sustained by a fair majority of his district? And that such will be the decision of this honorable committee, and of the House, I think the answer will unanimously be in the affirmative.

Respectfully submitted,

ISAAC WILSON.

Reply of Petitioner.

To the Hon. John Sloane,
Chairman of the Committee of Elections:

Humbly referring your honorable body to a reperusal of the documents submitted by your petitioner, he respectfully submits the following suggestions:

1. Your petitioner, on a particular examination of the evidence relative to the votes given in the town of China, assumes the conclusion as irresistible that the facts set forth in the petition relative to those votes are established beyond controversy. In answer to which, the sitting member endeavors in part to balance the majority in favor of your petitioner, resulting from the correction of the mistake alleged by him, by showing a mistake in your petitioner's favor in the town of Attica, to the number of five votes.

On this part of the case it is humbly suggested that a statement of the result of the canvass drawn up at the time (the attention of the inspectors being particularly drawn to the state of the Congress votes, and the whole being certified by and in the presence of each of the said inspectors as the constituted judges) should preponderate as a matter of authenticated record evidence over the recollections of any set of men, in the absence of the original canvass itself, which was preserved, and forms the groundwork from which all the inferences are drawn in relation to the votes in the town of China.

2. Should the sitting member be deemed to have established the alleged mistake in the town of Attica, (which, however, cannot for a moment be admitted,) still there will remain a majority of one vote in favor of your petitioner. It is contended, nevertheless, that a legitimate vote, given for the sitting member in the town of Middlebury, was not counted. On this point it is sufficient to remark that the inspectors of the election, having ocularly examined the vote itself, were better capable of determining on its legitimacy than any body of men can be from a description of the vote given by the inspectors themselves. And again, the inspectors are, by the election law of the State of New York, made the judges of the validity of that vote; they acted judicially upon it, and it is respectfully submitted that their decision ought to be conclusive in the premises, and not in the nature of a mistake, subject to future revision and correction.

3. In reference to the double votes given in the town of Byron and Stafford, the law of the State of New York makes the inspectors who institute an examination at the time (referring to the proper check provided by the same law, viz: the examination of the poll lists) the sole judges. And if, in their judg-

ment, honestly formed, the votes were deemed to have been put in double, then the fraud intended to be guarded against is presumed, and the votes are consequently void.

And your petitioner has the honor to be, &c.,

PARMENIO ADAMS.

The resolution offered yesterday by Mr. COOK, calling on the Secretary of the Treasury for a statement of the amount of money remaining to be paid by the purchasers of public lands prior to the 1st of July, 1820, and designating the amount due for lands in each State, was taken up and agreed to, *nem. con.*

ORDNANCE DEPARTMENT.

Mr. FLOYD, of Virginia, adverting to a Message of the President of the United States, transmitted to this House on the 8th day of January last, in answer to certain resolutions of the 8th January, 7th May, and 17th December, 1822, calling for certain information respecting the expenditures in the Ordnance department, said the document to which he referred had not been ordered to be printed until the close of the session, so that, during the last session, it was not practicable to pursue the inquiry which he, as the mover of one of the resolutions calling for the information, had intended to follow up. He now moved that the Message and documents in this case be referred to a select committee.

Mr. TAYLOR, of New York, called for the reading of the Message proposed to be referred, to see whether the appointment of a select committee in the case was advisable.

Mr. SAUNDERS, of North Carolina, said he was glad that the attention of the gentleman from Virginia had been directed to the report of the last session respecting the expenditures of the Ordnance department. Since the meeting of the present Congress, Mr. S. said he had occasion to look into that report. The examination which he had given first showed that something like a check should be put upon the expenditure of that department, if it could be done. He preferred the document being referred to a select committee, because, if gentlemen would look into it, they would find it to be very voluminous, comprising the accounts of the Ordnance department for several years, and it would be impracticable for a committee to examine it in the manner in which it ought to be examined without abstracting its attention from every other subject.

Mr. TAYLOR said the gentleman from North Carolina had mistaken him, if he understood him as opposing the reference of these documents to a select committee. He only wished the Message of the President read, to understand precisely what the subject was which was proposed to be referred, with a view to ascertain whether it would be proper to refer it to a select committee or to the Military Committee.

The Message was then read.

Mr. SAUNDERS resumed his observations. He disapproved of a reference of this subject to the Military Committee, because, he said, of the voluminousness of the documents, and the necessity of a more minute examination of the subject, than it would probably be in the power of that committee to give it. He would state some of these expenditures in the Ordnance department, which, he said, would strike this House with something like astonishment. In 1819, for example, it would be found that eight or ten dollars per barrel had been paid for corn for the use of this department. If there had been such a scarcity of that article in any part of the country as to raise it to that price, he knew not of it. It would be found, on looking at another item, that a very large sum had been paid——

The SPEAKER here checked the debate; it was not in order, on a motion for reference, to go at large into the subject proposed to be referred.

Mr. HAMILTON, of South Carolina, said, that, as a member of the Military Committee, he was not desirous of appropriating to that committee an undue proportion of labor; but he submitted to the House whether, under the general duties enjoined on that committee, that of examining this subject did not properly fall. Unless otherwise specially instructed by the House, he thought the subject was already fully within the scope of the duties of the committee, which, from the nature of the business which came before it, might be supposed to be fully competent to its investigation, and might therefore come to conclusions thereupon different from those of a select committee.

Mr. LITTLE, of Maryland, then moved to refer the papers in question to the Committee on the Expenditures of the War Department, whose duty he thought it peculiarly was to investigate subjects of this description.

Mr. FLOYD, after expressing an unwillingness to take up the time of the House on this subject, said that it had been heretofore almost uniformly the practice, (to which he knew of but a single exception,) where a subject was brought before the House by any member, with a desire to have a committee appointed upon it, that this request should be granted to him. It was perfectly competent to the gentleman from South Carolina, who was now at the head of the Military Committee, to have had this document referred to that committee at an earlier day, when the committee had little to do. The gentleman from Maryland, too, must agree that the practice of allowing a particular inquiry, when asked by a member, was almost an universal practice of the House. Here was an expenditure, to a vast amount, in one of the departments. Desirous to see the nature of the expenditures, Mr. F. said he had called for an account of them. The information was now here, and all that he asked was, that it should be referred to a committee, which would have time to examine the subject, and take it under their particular care. It was very true, as the gentleman had intimated, that the Military Committee might come to a different conclusion from a select committee. Mr. F. said he believed, however, that any committee to whom the subject should be referred, would come to the same conclusion; but, if, in making this motion, he was about to tread on any tender place, perhaps he had better withdraw it.

Mr. Little, disclaiming any intention to oppose an inquiry in this case, said it was the particular duty of the Committee on Expenditures in the War Department, to inquire into expenditures of this description, and therefore he wished the subject referred to them, presuming that they would not neglect their duty, and that every member of the House felt the same interest as he himself did in the correct administration of the public concerns.

Mr. Dwight, of Massachusetts, thought that to refer this subject to any other committee than that on the expenditures of the War Department, would be to interfere with the appropriate duties of that committee. He read a part of the rule establishing that committee, to sustain his position. It was very well known that that committee had heretofore had very little business before them. It seemed most proper, therefore, that this message should be referred to that committee: any other course, indeed, it appeared to him, would be irregular.

Mr. Hamilton said the gentleman from Massachusetts had anticipated him in what he had said; for, on reference to the rule, he was very well satisfied that the suggestion of the gentleman from Maryland was perfectly correct. To show that it was so, Mr. H. requested the Clerk to read the rule.

The rule was read by the Clerk.

Mr. Tucker, of Virginia, said he hoped the motion to refer the message to this standing committee would not prevail. The House, since it had heard the rule read, would see that the duties imposed on that committee, which consists of three members only, were very arduous. These duties could not be so well performed in the committee room, but the committee were under the necessity of going to the War Department to prosecute their inquiries. The consequence was, that, when that committee, some time ago, made a report to this House, they recommended the number of the committee to be increased, but that recommendation had not been acted upon. That committee, at least he spoke for himself as one of them, would be very much obliged to any gentleman who would divide their labor with them. If that committee should meet every day of the session, and the session were to endure for twice its usual term, it would be impossible for them to examine all the vouchers, &c., for the expenditures in the Department. They were even now obliged, in some measure, to slur over their inquiries, from the want of time to pursue them, &c. It would be very gratifying to that committee, he said, to have the subject now before the House referred to a select committee.

Mr. Floyd said, in making this motion, he had not taken any course unusual in the House; he was only pursuing an inquiry which he had himself commenced. It was not because he supposed there was any unwillingness or inability in the standing committees to examine the subject, that he proposed to refer it to a select committee, but because he had commenced the inquiry himself, and he wished himself to pursue it.

The question was then taken on the motion to refer the subject to the standing Committee on the Expenditures of the War Department, being first in order, and negatived—99 votes to 67.

The question was then taken on referring it to a select committee, and agreed to; and Messrs. Floyd, Saunders, Dwight, Metcalfe, Tracy, Sharpe, and Spence, were appointed the said committee.

The House went into Committee of the Whole on the bill for the relief of William Kendall. The bill, together with the report of the committee on the case, having been read, the bill was reported without amendment, and ordered to be engrossed for a third reading.

The Committee of the Whole was discharged from the further consideration of the bill for the relief of John Jenkins, which was recommitted to the Committee on Private Land Claims.

The House went into Committee of the Whole on the bill for the relief of Sarah Chitwood; which was reported without amendment, and ordered to be engrossed for a third reading.

COSTS IN SUITS FOR PATENT RIGHTS.

The engrossed bill "concerning costs in certain cases," was read a third time.

Mr. Vance, of Ohio, had an objection to the bill. As he understood the bill now to stand, if a party, suing in the courts of the United States, recovered only ten dollars, he would be entitled to costs; because the clerk of the court was ordered to record a judgment of damages for three times the amount awarded by the jury; and, for the same reason, as the law formerly stood, a plaintiff recovering no more than $160, was entitled to costs, because the damages were to be entered at treble the amount. The gentleman from Massachusetts had, indeed, otherwise stated the law, and he was probably better acquainted with the law than himself, yet such were his convictions; and, with this view of the practical operation of the bill, he could view it as little else than a bill to aid individuals to impose upon the public. Such, at least, would be its effect in the Western country. That country, he said, swarmed with persons professing to have patent rights for new discoveries. An instance had not long ago occurred, of a man coming into that country, and maintaining that he had a patent for wing gudgeons, and succeeding so far as to exact large sums of money from individuals, who were intimidated by a threat of his going to law with them. Pass this law, said he, and adventurers of this kind will come along with the law in their pocket, and threaten those on whom they practise their impositions, to drag them from the extremity of Missouri, Illinois, &c., to the circuit courts of the United States. No matter if, when they got them there, they should recover only ten dollars, the bill, as it now stood, would give them the costs of suit. Almost all the light machinery employed in that region of country, Mr. V. said, came from the Eastward. The articles were consigned to a merchant in some intermediate town, Pittsburg or Wheeling, for example, and he sent them forward to agents in the interior. There they were purchased and used, and then comes along some man from the Eastward, claiming a patent right to the article—the user cannot trace the person from whom the articles were procured to the Eastward, and dreading a suit, prefers to pay the unjust demand of a mere adventurer. As an instance of which, he cited the case of Wood's patent plough, which was much used in the prairies of the Mississippi, and which had given occasion to great abuses of this description. No law could be better calculated to encourage litigation, he thought, than this.

Mr. Wright said, that he was in favor of the bill, as originally reported; in its present form, he should be opposed to its passage. By the act of 1799, where $500 or more was sued for in the United States courts, and less than $500 recovered, no costs were allowed. But the case now to be provided for rests on a different principle. All costs, he said, are matters of special legislation, being, he believed, unknown to the common law. They were not allowed in suits under the patent law, because that law provides that judgment shall be given for three times the amount of the verdict obtained. This provision of the existing laws he considered as a full equivalent for costs, and a sufficient security to the rights of the patentee. He thought that a reduction of the minimum of damages, on which costs are recoverable, would have a tendency to multiply law suits. It had been said, that suitors under the patent laws were compelled to have resort to the courts of the United States, as they could sue no where else. He conceived the law to be otherwise. He believed that the United States courts had not exclusive, but only concurrent jurisdiction, in cases of this description. Doubtless, the subject of allowing costs had been within the view of Congress when the original act was passed; and why were costs not then allowed? For the reason he had stated—the triple amount of the verdict being allowed in lieu of them. Besides, in most cases, the damages assessed did not go to the original patentee; they went to persons who claimed to have an assignment from him. Such persons abounded—they literally swarmed in some parts—vending patent rights had become a perfect trade. They impose upon the ignorant, and threaten the timid, till they often succeed in fleecing both. Sometimes, however, they meet with an individual of sterner stuff, who consents to abide a suit; but he does not know whether the patent is valid or not, and, in the issue, he is cast; damages are awarded against him; the law trebles those damages, and now costs are to be superadded to all the rest. He hoped the bill, at least, in its present shape, would not pass; and he therefore moved that it be recommitted to the Committee on the Judiciary, with instructions to restore it to its first form, by altering the minimum of damages on which costs should be allowed from $30 to $100.

The question being taken on this motion without further debate, it passed in the affirmative, and the bill was recommitted accordingly.

RELIEF OF DISTILLERS.

The House went into Committee of the Whole on the bill for the relief of certain distillers of Berks county, Pennsylvania, which having been read, together with the report of the Committee of Ways and Means thereon, made at a former session of Congress—

Mr. Kremer moved to amend the bill by striking out the words, "in the county of Berks."

Mr. McLane said he should not object to this amendment. The bill had been reported by the committee in its present restricted form, because the petition on which it was founded was limited to persons residing in Berks county. If the gentleman from Pennsylvania knew that there were others in that State who needed its provisions, he was willing to extend the bill to them also.

Mr. Kremer replied, that though he did not certainly know this to be the fact, he thought it highly probable; and it might save trouble, and could do no harm, to extend the bill.

Mr. Foot, of Connecticut, suggested, as a modification of the amendment, to strike out the words "in the State of Pennsylvania," leaving the bill to operate generally throughout the Union. To this modification of his motion, Mr. Kremer consented.

Mr. Buchanan, of Pennsylvania, said that, in his opinion, it was enough to remedy grievances when we know them to exist. The patent to which the bill refers, is in operation only through a small part of the State of Pennsylvania. Lancaster county, the only other county materially interested in the relief proposed by this bill, has already applied for, and has obtained it. What good end would be answered by a farther extension of it? The practical effect would be to hold out a temptation to distillers, who never thought of such a thing, to try to bring themselves, by some construction, or on some pretext, within the relief it is intended to grant in this particular case.

Mr. Foot said he had no idea, in offering the amendment he had proposed, to embarrass the passage of the bill; but he had offered it because he thought that Congress were equally bound to do justice to all; and if there were any other persons, beside the petitioners, interested in the object of the bill, he could conceive of no reason why they should not be equally provided for. As to the construction of the patent law as applying to this case, there was no room for dispute—the patent was one well known.

Mr. McLane said that when the amendment was first proposed, it did not occur to him that there could be any objection to it; but, on further reflection, he was inclined to believe that the extent which the honorable member from Connecticut wished to give to the provisions of the bill would be productive of consequences such as that gentleman did not anticipate. The bill was framed with a view to those particular persons, all of whom are provided for as persons living; but if it is extended to the whole Union, many of those concerned in the operation of the patent will prove to be persons now dead, and further provision will have to be made for refunding to their heirs or representatives the amount claimed as overpaid. The terms of the bill would need to be greatly changed. He thought the more expedient course would be to pass the bill as it stood, granting the relief to those who asked for it.

Mr. Kremer replied, and advocated the amendment, on the ground of doing equal justice to all concerned. Had the first bill on the subject been a general one, the House would not now have been troubled with this one; and if made so now, it would prevent more trouble in future. Congress ought not to act towards the persons embraced in this bill like a father to a spoiled child, and treat the rest as outcasts. He hoped the bill would pass on the broad ground proposed by the gentleman from Connecticut.

The question being taken on the amendment, it was decided in the negative; and the question being on the bill as reported by the committee,

Mr. Sandford expressed his disapprobation of the course pursued in making, in this case, a partial instead of a general provision. The mode of distilling referred to in the bill, had spread, he believed, far, both to the South and the West. It was in use in North Carolina, in Tennessee, and Kentucky; and if we waited to relieve those in these States who were equally entitled to relief, until they petitioned this House and the ordinary forms had time to be gone through, many of the petitioners would probably be dead before the bill would pass. It was a waste of time to legislate for county by county, as was proposed by the bill.

The Committee rose and reported the bill without amendment, and it was ordered to be engrossed for a third reading.

Wednesday, December 31.

Another member, viz. from Pennsylvania, Daniel H. Miller, appeared, was qualified, and took his seat.

Mr. Morgan presented a memorial of the Chamber of Commerce in the city of New York, praying for the establishment of a uniform mode of bankruptcy, for the United States; which memorial was ordered to lie on the table.

Mr. Randolph presented the petition of a number of pensioners of the United States, now assembled at the City of Washington, adopted at a meeting of said pensioners, of which meeting Thomas Cox was chairman, and Daniel Palmer, secretary, praying for an increase of their pensions, respectively; which petition was referred to the Committee on Pensions and Revolutionary Claims.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act concerning discriminating duties of tonnage and impost;" in which bill they ask the concurrence of this House.

Mr. Williams, from the Committee of Claims, under the instruction of the House, reported a bill for the relief of Garrett Fountain. The bill having been read—

Mr. Williams moved that the same might be recommitted to the same committee, with instructions to inquire whether any deposites of provisions were required by proper authority to be made in advance at the place where the house of said Fountain was erected; so as to bring it within the true character or technical definition of a stationary post.

This motion for recommitment, was supported by Messrs. Williams and McCoy; and opposed by Messrs. Woods, Mallary, and Sharpe; but was superseded by a motion to refer the bill to a Committee of the Whole; and the bill was referred accordingly.

Mr. Gurley offered the following:

"*Resolved*, That the Committee on Public Lands be directed to inquire into the justice and expediency of granting to actual settlers in that part of the State of Louisiana, lying east of the Mississippi and Island of Orleans, a right of pre-emption to public lands, in the same manner, and for the same period of time after possession thereof by the Government of the United States, as was granted to such settlers in the late Territory of Orleans, after possession thereof as aforesaid."

In advocating the propriety of this resolution, Mr. Gurley observed, that there was a material difference between the situation of the two regions of country embraced within the State of Louisiana. Both of them had, indeed, been acquired at the same time, by the treaty with France; but, in one of these districts, possession was accompanied with title, in the other not. In the old Territory of Orleans, pre-emption rights extend to eleven years; in the other part of the State, only to four years. Mr. G. insisted on the impropriety of such a difference between citizens of the same State, as a ground for the inquiry proposed by his resolution.

The resolution was agreed to.

Mr. Beecher moved to take up the bill for extending the Cumberland Road. Carried, ayes 73, noes 70. The bill was then, on motion of Mr. B., referred to the Committee of the Whole.

On motion of Mr. Moore, of Kentucky, the Committee on Commerce were instructed to inquire into the expediency of establishing ports of entry and delivery at Louisville, Kentucky; Cincinnati, in Ohio; and St. Louis, in Missouri.

The bill from the Senate, entitled "An act concerning discriminating duties of tonnage and impost," was read the first and second time; and a motion was made by Mr. Cobb, to amend the said bill, by inserting, after the word "nation," where it occurs the first time in the 4th section, these words, "the independence of which has been, or hereafter may be, acknowledged by the United States." This motion was disagreed to by the House, and it was ordered to be read a third time to-day.

The bill from the Senate, entitled "An act concerning discriminating duties of tonnage and impost," was read the third time, and passed.

Engrossed bills of the following titles, viz: An act for the relief of William Kendall; An act for the relief of Sarah Chitwood; and An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania; were, respectively, read the third time, and passed.

[Mr. **KREMER** made an unsuccessful motion to recommit the last named bill with a view to enlarge its provisions.]

The House went into Committee of the Whole, on the report of the Committee of Claims on the memorial of the Levy Court of Calvert county, Maryland.

Mr. **NEALE** moved to strike out the word "not," in this report.

[The claim involved in this case is for the value of the courthouse of the county, alleged to have been destroyed because it had been occupied as quarters by forces of the United States. The report is against the claim.]

Mr. **NEALE** supported his motion with great earnestness, and Mr. **WILLIAMS**, of North Carolina, (the chairman of the Committee of Claims,) opposed it with equal zeal. After a considerable contest between these gentlemen on the merits of the claim,

The question on striking out the negative word of the report, was taken, and decided in the negative—for striking out, 53; against it, 94.

The Committee then rose, and reported the resolution of the Committee of Claims, without amendment, and it was adopted by the House; thus rejecting the petition.

MIAMI PURCHASE.

Mr. **GAZLAY** submitted the following:

"*Resolved,* That the Committee on the Public Lands be instructed to inquire into the title and right of the United States in and to one township of land reserved for certain purposes in the contract entered into with John C. Symmes, as mentioned in the laws passed in 1792 and 1803 relating thereto."

Mr. **GAZLAY**, in introducing this resolution to the notice of the House, stated that, in the year 1787, John C. Symmes had entered into a contract with the United States for one million of acres of land, commonly designated as "the Miami Purchase." In 1792, not being able to pay for the whole of this tract, he petitioned that the extent of his contract might be curtailed to 300,000 acres —certain reservations, made in the first contract, for the purpose of encouraging education, being continued unchanged. The patent which issued under this last form of the contract, reserved one entire township, as nearly in the centre of the tract as might be, for this use. In 1803, Congress passed another act on the subject, allowing the reservation of any one complete township, and, in case of non-compliance, compelling an execution of the trust, unless the payment of $15,360 would release the obligation. By this it was manifest that, at that time, Congress viewed itself as holding the fee of this land. In consequence, there was a charge to that amount standing against J. C. Symmes, on the public books, since the year 1792. It was on these facts that he offered the resolution. During a period in which we were gathering by basketsfull, Mr. G. said, an amount like this might be overlooked, but now, it was necessary to gather up the crumbs of the Treasury.

The resolution was agreed to.

CONDITION, &c. OF GREECE.

The following Message from the **PRESIDENT OF THE UNITED STATES** was read:

To the House of Representatives of the United States:

I transmit to the House of Representatives, a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, *Dec.* 31, 1823.

DEPARTMENT OF STATE,
Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States of the 19th instant, requesting the President of the United States, to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President, the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

List of Papers sent.

Extract of a letter from Mr. Forsyth to Mr. Adams, dated 13th December 1822—with

Note, dated Corinth, 8th [20th] April, 1822—translation.

Note, Mr. Luriottis to Don Evaristo San Miguel, dated 21st November, 1822—translation.

Mr. Rush to Mr. Adams, 24th Feb., 1823—copy
Mr. Luriottis to same, 20th do. do.
Mr. Adams to Mr. Rush, 18th Aug. do. do.
Same to Mr. Luriottis, 18th do. do.

Extract of a letter to Secretary of State, dated Marseilles, 6th August, 1323.

Do. 27th do.

Statistical table of Greece—translation—original copy received from Mr. Middleton.

The Message, &c., was ordered to lie on the table.

The House adjourned to Friday.

FRIDAY, January 2, 1824.

The **SPEAKER** laid before the House the following communications, viz:

I. A letter from the Comptroller of the Treasury, transmitting the following statements received from the Third Auditor: 1. A statement of the names of such officers as have not rendered their accounts within the year, or have balances unaccounted for, on account of advances made one year prior to the 30th of September last. 2. A statement of accounts which have remained unsettled, or on which balances have been due more than three years, prior to the 30th September last. 3. An abstract of moneys advanced prior to the 3d of March, 1809, on the books of the late Accountant of the War Department, which remained to be accounted for on the books of the Third Auditor, on the 30th September last; all prepared in obedience to acts of the 3d March, 1809, and 3d March 1817; which letter and statements were laid on the table.

II. A letter from William H. Jones, accompanied with a proof, as far as finished, of Mr. Shriver's map of the country through which it is proposed that the Cheseapeake and Ohio canal shall pass; which letter and map were referred to the committee appointed on so much of the President's Message as relates to said proposed canal.

III. A letter from the Secretary of State, enclosing a copy of a letter to him from George G. Barrell, Consul of the United States at Malaga, in Spain, accompanied with a portrait of Columbus, in half length, which he obtained from Seville, believed to have been painted by the same hand which painted the celebrated likeness of that great man now in the Palace of the Escurial in Spain; which picture he wishes to be placed among the portraits of other distinguished men in the Capitol: in which letter the Secretary of State also states, that "an exact fac simile, engraved on copper plate, has been made, by direction of the Department, of the original copy of the Declaration of Independence, and that two hundred copies have been struck, and are at the Department, subject to the disposal of Congress;" which letters were referred to the joint Library Committee.

On motion of Mr. Cobb, the Committee on the Judiciary were instructed to inquire into the expediency of directing, by law, the delivery to the administrator, executors, or other legal representative of John Michael, deceased, certificate No. 1095, for twenty thousand acres of land, in the Mississippi Land Company, issued in the name of Robert Williams; which certificate is now deposited in the office of the Secretary of State.

Mr. Wickliffe offered the following:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing the twenty-fifth section of the act to establish the judicial courts of the United States, or so modify the same, that the writ of error, therein provided for, shall be awarded to either party, without reference to the manner the question shall have been decided by the supreme court of the State.

Mr. Wickliffe, in offering this resolution, stated the object which he had in view in proposing it. The twenty-fifth section of the Judiciary act contained a provision, among other things, for allowing an appeal or writ of error from the supreme court of any State to the Supreme Court of the United States, in any case in which the decision of the supreme court of the State shall involve the validity of any law of the United States or any provision of the Constitution. The first object which he had in view, Mr. W. said, was to annihilate this section of the Judiciary act altogether; believing that the power, given the Supreme Court of the United States to reverse decisions of the supreme court of any State, was a dangerous one. If he could not accomplish that, he wished to have that section so amended as that the right of the writ of error or appeal should be granted, on application, to either party.

The resolution was agreed to, without opposition.

Mr. Wright submitted the following:

Resolved, That the communication of the Secretary of the Treasury to this House, dated the 27th of January, 1823, be referred to the Committee on Public Lands, and that said committee be instructed to inquire whether any, and, if any, what, legislative provision is necessary to secure to the State of Ohio the full amount of the three per cent. arising from the sales of the public lands in said State, under the contract entered into between the United States and the State of Ohio, by the ordinance of the convention of that State, of 27th November, 1802, and the act of Congress of 3d March, 1803; and, also, whether any, and what, proportion of the expenses of surveying the lands of the United States in Ohio, have been paid by the purchasers of said lands.

Mr. Wright said, that it might not be recollected, that the contract, referred to in this resolution, between the United States and Ohio, had received a construction, by the parties to the contract, upon which they continued to act for twenty years. After the lapse of that period, a different construction had been given to the contract by the General Land Office, which was considered by the State of Ohio as seriously affecting its interests. Of that construction he did not now mean to examine the accuracy or question the correctness. He wished merely to direct the attention of the Committee of Public Lands to that subject, satisfied that, on a full examination of the subject, they would come to a correct conclusion upon it.—The resolve was agreed to.

On motion of Mr. Owen,

1. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of altering and amending the land laws now in force, so as to induce those who purchased under the credit system to discharge the sums yet unpaid, by cash, advanced at discount, and by further relinquishment.

2. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to actual settlers, prior to the first of July, 1820, in the State of Alabama, the right of purchasing, by pre-emption, of at least one quarter section of land, embracing their family residences.

3. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting the right of pre-emption to all persons to mill-seats, on public lands, where the same have been actually improved, as such, by them.

4. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to each county in each State, where there are public lands, the right of pre-emption to one quarter section of land, for the purpose of erecting and locating public and county buildings.

Mr. Poinsett laid before the House the following resolution, adopted by the General Assembly of the State of South Carolina, on the 20th of December, ultimo, viz:

Resolved, That the State of South Carolina regards with deep interest the noble and patriotic struggle of

the modern Greeks to rescue from the foot of the infidel and barbarian the hallowed land of Leonidas and Socrates; and would hail with pleasure the recognition, by the American Government, of the independence of Greece.

The resolution was read, and laid on the table.

Mr. CALL presented to the House a printed copy of the "Acts of the Legislative Council of the Territory of Florida, passed at their second session, 1823;" which were referred to the Committee on the Judiciary.

COMMERCE WITH GREECE, &c.

Mr. BRECK moved that the resolution some time since offered by him, and laid on the table, calling on the Secretary of the Treasury for a statement of the trade of the United States to Greece, Egypt, and Asia Minor, be now taken up, and considered.

Mr. B. said he should not again have troubled the House on this subject, had he been able to discover, in the statistical tables from the Treasury, the information it was his object to obtain; but several items were, in that statement, included in one line, and the whole was so "mixed up," that it was impossible for him to find what he wanted. He thought the procuring of the information the more important, as the subject of our relations with Greece was soon to be brought before the House.

Mr. WEBSTER gave notice that he should not hold himself bound, in calling up his resolution on the subject, to wait for the document called for by that now offered, and for the reason, that he did not think that the information now called for had any bearing on the merits of the proposition which he had submitted to the House.

Mr. FORSYTH suggested, as an amendment to the resolution, to strike out the clause which requires a distinct statement, in separate columns, of the countries under the Turkish Government, from those possessed by the Greeks in arms, in order to put the resolution in a shape in which it would be complied with.

Mr. BRECK accepted the amendment; and the resolution, thus altered, was agreed to by the House, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish this House with the amount of exports from the United States to Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822; also, the amount of imports therefrom, for the same period; also, the amount of duties paid on said imports into the Treasury of the United States.

BENJAMIN HUFFMAN.

The House then passed to the orders of the day, and resolved itself into a Committee of the Whole, on the bill appropriating a certain sum of money, to enable Benjamin Huffman to recover his son, taken prisoner by the Indians.

Mr. COCKE briefly stated the circumstances of the case to be provided for. The father of the boy having applied for advice and assistance to Governor Cass, of Michigan Territory, that gentleman corresponded on the subject with the Secretary of State; in consequence of which the latter had a correspondence with Mr. Canning, the British Minister to this Government, and he, with the Governor of Canada, who discovered that the boy in question was in the possession of a British sergeant in Canada, who was unwilling to deliver him up. Without the consent both of the boy himself, and of this man who held him, the Governor of Canada was unwilling to deliver him over. In such circumstances, the committee who reported this bill, thought it right that Congress should interpose, in order to enable the father to go on to Canada, and take with him the requisite evidence of the facts, and obtain a habeas corpus for the boy. They had guarded against any abuse, first, by the smallness of the sum granted, and then by exacting security for a faithful account and a return of the balance, should any remain.

The committee reported the bill without amendment, and it was ordered to a third reading.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The House went into Committee of the Whole, on the bill for laying out and making a road from Memphis, Tennessee, to Little Rock, in the Territory of Arkansas.

Mr. HEMPHILL, in supporting the expediency of the bill, stated that a memorial on the same subject had last session been received from the Territory of Arkansas, and referred to the Committee on Roads and Canals, and a favorable report made, but not acted on. The committee now believed such a road to be necessary, and highly conducive to the prosperity of that Territory; but too expensive for its present population and means. It was for the purpose of uniting the two great bodies of settlers, the seat of government being at one end of the road, and the settlements on the Mississippi at the other end. The actual distance was but 150 miles; but the present circuitous road ran three times that length. The contemplated road would be valuable to the Union, as well as to the Territory, by affording transportation for public property, and by opening to speedier settlement the military lands in Arkansas. It was important in another view. The white population of that Territory was but about 16,000; and on its borders were nearly 50,000 Indians. It was evident how requisite it would be, in case hostilities should arise, to have an easier and more direct mode of communication than now existed. Many similar bills had passed the House, but none of them more proper, from all the circumstances, than this.

The bill, having been read by sections, was reported without amendment, and ordered to a third reading—ayes 79, noes 58.

AGENT TO GREECE, &c.

Mr. SLOANE, from the Committee of Elections, gave notice that he should, on Monday, call up the report of that committee on the subject of the contested election of Mr. WILSON, a member from New York.

The SPEAKER reminded the honorable member that notice had been given for the discussing of another subject, on Monday: alluding to Mr. **Webster**'s resolution for sending an agent to Greece.

Mr. **Poinsett** said, that the Speaker had referred to a subject, in regard to which, he wished to make a suggestion, for which he would use the present occasion. The motion, by his friend from Massachusetts, respecting Greece, stood under notice for Monday next. That question, he thought, would give rise to the discussion of other subjects connected with our foreign relations. It would be recollected that, after notice was given for the discussion of that subject on Monday next, a call for information, on another most interesting subject, had been made, on the motion of an honorable member from Vermont, (Mr. **Mallary**,) which had not yet been answered. The King of Spain, it was understood, had declared his determination to reclaim his former possessions in America by force. It had been confidently rumored, that the confederated monarchs of Europe were about to take some measures in aid of this determination of the King of Spain. When the House went into Committee of the Whole on the state of the Union, on the subject of the agency to Greece, that would be a convenient occasion to bring forward this other subject. They were somewhat connected, and there would doubtless be a discussion of both. But the House would not be fully prepared for the discussion, till the reply should come in answer to the resolution adopted on the motion of the gentleman from Vermont. He wished, therefore, that his friend from Massachusetts would consent to omit the calling up of his motion on Monday.

Mr. **Webster** said, he felt solicitous—perhaps too solicitous—to bring on his motion as early as convenient, especially as some mistaken notion, as he thought, of its nature and tendency, had gone abroad. He was fully persuaded that the course indicated by that motion was precisely that which he thought the Government ought to adopt; that nothing less than that would satisfy the public feeling or the public expectation, and that the sooner it was done the better. He thought the information communicated this morning was of a character to strengthen this conviction, where it existed, and to create it where it did not. Nevertheless, he was unwilling to bring on the motion, while his friend from South Carolina thought there would be a convenience resulting from delay. He would, therefore, not call up the subject on Monday. And, as it was probable there would soon be an answer to the resolution of the gentleman from Vermont, he would, after the receipt of that communication, call the attention of the House again to the subject.

REPORT ON THE FINANCES.

The **Speaker** laid before the House a letter from the Secretary of the Treasury, covering his annual report upon the state of the finances of the United States; which letter and report were ordered to lie on the table, and six thousand copies thereof ordered to be printed.

The letter and report are as follows:

Treasury Department, *Dec.* 31, 1823.

Sir: I have the honor to transmit a report, prepared in obedience to the "Act supplementary to the act to establish the Treasury Department."

I have the honor to be, very respectfully, sir, your obedient servant,

WM. H. CRAWFORD.

To the honorable the **Speaker**
of the House of Representatives.

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1.—*Of the Public Revenue and Expenditures of the years* 1822 *and* 1823.

The net revenue which accrued from duties on imports and tonnage, during the year 1822, amounted to		$20,500,775 91
The actual receipts into the Treasury during the year 1822, amounted to		$20,232,427 94
Viz:		
Customs	$17,589,761 94	
Public lands, exclusive of Mississippi stock	1,803,581 54	
Dividends on stock in the Bank of the United States	297,500 00	
Arrears of internal duties and direct tax, and incidental receipts, and repayments under act of May 1, 1820	541,584 46	
Making, with the balance in the Treasury on the 1st of January, 1822, of		1,681,592 24
An aggregate of		$21,914 020 18
The expenditures during the year 1822, amounted to		17,676,592 63
Viz:		
Civil, diplomatic, and miscellaneous	$1,967,996 24	
Military service, including fortificat's, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st of January, 1817	5,635,188 29	
Naval service, including the gradual increase of the navy	2,224,458 98	
Public debt	7,848,949 12	
Leaving a balance in the Treasury, on the 1st of January, 1823, of		4,237,427 55
The actual receipts into the Treasury during the three first quarters of the year 1823, are estimated to have amounted to	$16,174,035 26	
Viz:		

Customs - - -	$15,019,392 74
Public lands, exclusive of Mississippi stock - - -	657,505 73
Dividends on stock in the Bank of the United States - -	350,000 00
Arrears of internal duties and direct tax, and incidental receipts - - - -	102,726 15
Repayment of advances made in the War Department, for services or supplies, prior to 1st July, 1816 - - -	44,410 64
The actual receipts into the Treasury, during the fourth quarter, are estimated at - - - -	4,270,000 00
Making the total estimated receipts into the Treasury during the year 1823 - - - - - -	$20,444,035 26
And, with the balance in the Treasury, on the 1st January, 1823, forming an aggregate of -	$24,681,462 81
The expenditures during the three first quarters of the year 1823, are estimated to have amounted to - - - -	$11,422,847 30
Viz:	
Civil, diplomatic, and miscellaneous - -	1,510,735 14
Military service, including fortificat's, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st of January, 1817 - - - -	4,383,715 62
Naval service, including the gradual increase of the navy	1,776,989 37
Public debt - - -	3,751,407 17
The expenditures during the fourth quarter, are estimated at - - - - - -	3,894,559 74
Viz:	
Civil, diplomatic, and miscellaneous - -	489,704 11
Military service, including fortificat's, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January, 1817	899,449 93
Naval service, including the gradual increase of the navy	726,776 46
Public debt - - -	1,778,629 24
Making the total estimated expenditure of the year 1823 - - -	$15,317,407 04
And leaving in the Treasury, on the 1st January 1824, an estimated balance of - - - - -	$9,364,055 77

After deducting from this sum certain balances of appropriations, amounting to $2,897,086 47, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates for the service of the ensuing year, a balance of $6,466,969 30 remains; which, with the receipts into the Treasury during the year 1824, constitutes the means for defraying the current service of that year.

2.—*Of the Public Debt.*

The funded debt, which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1822, amounted to -		$17,189,852 60
And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1822, amounted to - - -		75,852,848 58
Making the total amount of funded debt, unredeemed on the 1st of October, 1822 - - - - -		$93,042,701 18
In the fourth quarter of that year, there was paid the sum of - -		2,265,673 32
Viz:		
Reimbursement of six per ct. deferred stock	$265,673 32	
Redemption of six per cent. stock, of 1820 - - - - - -	2,000,000 00	
Reducing the funded debt, on the 1st of January, 1823, to - - -		90,777,027 86
From that day to the 1st of October last, there was added to the debt—		
In three per cent. stock - - - - -	$132 39	
Treasury note six per cent. stock- - -	1,561 87	
Treas'y note seven per cent. stock - -	135 00	
		1,829 26
Making an aggregate of -		$90,778,857 12
During the same period, there was paid, in reimbursement of the deferred six per cent. stock - - - -		327,022 88
Reducing the funded debt, on the 1st of October, 1823, to - - -		$90,451,834 24
Since that day there has been added in Treasury note six per cent. stock - - - - - -		716 75
Making an aggregate of - -		$90,452,550 99
It is estimated that the reimbursement of deferred stock, in the fourth quarter of the present year, will amount to - - - - - -		$274,588 85

Which will reduce the funded debt, unredeemed on the 1st of January, 1824, to - - - - - -	$90,177,962 14
The amount of Treasury notes outstanding on the 1st of October, 1823, is estimated at - - - -	$26,122 00
And the amount of Mississippi stock unredeemed on that day at - - -	$21,258 87

3. *Of the Estimate of the Public Revenue and Expenditure for the year* 1824.

It will be perceived that the actual receipts of the year 1823, agree, substantially, with the estimate presented in the last annual report. The only deficiency is in the proceeds of the public lands; and that is understood to have been the consequence of an expectation, generally entertained, that the lands which were relinquished under the act of the 2d of March, 1821, and which are supposed to present the strongest inducements to purchasers, would be brought into market early in the ensuing year; with respect to the customs, however, the anticipations that had been formed, both as to the circumstances which were calculated to have an influence upon their productiveness, and as to the results, have been completely realized. It is believed, therefore, that data founded upon the same principles as those which governed in forming the estimate for the year 1823, may be satisfactorily presented as the basis of an estimate for the year 1824. With this view, the Secretary has the honor to state:

1st. That the gross amount of duties on imports and tonnage, which accrued from the 1st of January, to the 30th of September last, inclusive, is estimated at $17,800,000; and that of the whole year at $21,000,000. Of this sum, that portion which accrued in the first half of the year, is about $1,000,000 less than that of the same period in the preceding year; and that which accrued in the three first quarters of the year, is estimated at $1,700,000 less than that of the corresponding quarters of the preceding year.

2d. That the debentures issued during the three first quarters of the year 1823, amounted to $3,412,000; which exceed the amount issued during the corresponding period of the year 1822, by $1,500,000; and the amount of debentures outstanding on the 30th of September last, and chargeable upon the revenue of 1824, was $1,405,000; which is $500,000 more than was, on the same day, in 1822, chargeable upon the revenue of 1823.

3d. That the value of domestic articles exported from the United States, in the year ending on the 30th of September last, amounted to $47,155,711; being $2,718,368 less than those exported in the year preceding; and the value of foreign articles exported in the year ending on the 30th September last, was $27,530,469; being $5,244,267, more than those exported in the preceding year.

4th. That the aggregate value of the imports into the United States, during the year ending on the 30th of September last, is estimated at $77,486,432; which is less, by $5,755,109, than those imported in the preceding year.

5th. That the amount of custom-house bonds, in suit, which on the 30th of September, 1820, was $3,130,000, was, on the same day, in the year 1822, $2,795,000, and, in the year 1823, $2,817,000; whence, it appears, that, although a reduction of $313,000 had taken place during the whole period, yet the amount in suit on the 30th of September last, was greater, by $22,000, than on the same day of the year preceding.

Upon a consideration of all these facts, and the conclusions deducible from them, the receipts from the customs, in the year 1824, may be estimated at $16,500,000.

A considerable portion of the lands relinquished under the act of the 2d of March, 1821, will be brought into market in the ensuing year; but, as it is yet uncertain to what extent this may be deemed advisable, and as the sale of these lands will probably absorb a great portion of the means of those who are prepared to make investments in the public lands, it is considered prudent not to estimate the receipts from this source of revenue at more than $1,600,000; although it is believed that they will exceed that sum.

Under these circumstances, the receipts of the year 1824 may be estimated as follows:

Customs - - - - - -	$16,500,000 00
Public Lands - - - - -	1,600,000 00
Bank Dividends - - - - -	350,000 00
Incidental receipts, including arrears of internal duties and direct tax -	50,000 00
Repayments of advances made in the War Department for services or supplies prior to July 1, 1816 - -	50,000 00
Making together -	$18,550,000 00
To which is to be added the sum of remaining in the Treasury, after satisfying all the appropriations chargeable upon the means of 1823,	6,466,969 30
which makes the entire means of the year 1824, amount to - - -	$25,016,969 30

The expenditures of the year 1824, are estimated as follows:

Civil, Diplomatic, and Miscellaneous -	$1,814,057 23	
Military service, including ordnance, fortifications, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817 -	5,122,268 15	
Naval service, including the gradual increase of the Navy	2,973,927 51	
Public Debt - -	5,314,000 00	
Making an aggregate of - - -		15,224,252 89
which, being deducted from the estimated means of 1824, will leave in the Treasury, on the 1st January, 1825, after satisfying the current demands of the year 1824, a balance, estimated at - - -		$9,792,716 41

Under the existing laws, there is no probability that any portion of the balance remaining in the Treasury on the 1st of January, 1824, or of the surplus which may accrue during that year, can be applied to the discharge of the public debt, until the 1st of January, 1825. Yet it is not deemed conducive to the general prosperity of the nation, that so large an amount should be drawn from the hands of individuals and suffered to lie inactive in the vaults of the banks. On the other hand, the high rate of interest of the great amount of debt which becomes redeemable on the 1st of January, 1825, renders it inexpedient for the Government to apply to other objects any portion of the means which it may possess of making so advantageous a reimbursement. It is believed, however, that every inconvenience may be obviated, if authority be given for the purchase of the seven per cent. stock, amounting to $8,610,000, during the year 1824, at such rates as may be consistent with the public interest. As it is now certain that the Government will possess ample means to redeem that stock on the 1st of January, 1825, it is presumed that the holders will be willing to dispose of it, during the interval, at a fair price; and, as a gradual conversion of it into money, at such times, and in such portions, as would be most favorable to its investment, would be most advantageous to the moneyed transactions of the community, it is presumed that it would be most acceptable to the holders.

It is, therefore, respectfully proposed, that the Commissioners of the Sinking Fund be authorized to purchase the seven per cent. stock, during the ensuing year, at the following rates above the principal sum purchased:

1. For all stock purchased before the 1st of April next, at a rate not exceeding $1 25 on every $100, in addition to the interest due on such stock on that day.

2. For all stock purchased between the 1st of April and the 1st of July next, at a rate not exceeding 75 cents on every $100, in addition to the interest due on the last mentioned day.

3. For all stock purchased between the 1st of July and the 1st of October next, at a rate not exceeding, on every $100, the amount of interest which would have accrued on the last mentioned day.

4. For all stock purchased between the 1st of October, 1824, and the 1st of January, 1825, the principal and interest due on the day of purchase.

In proposing to the consideration of Congress this application of the surplus means of the years 1823 and 1824, the probable demands upon the Government, in providing for the awards of the Commissioners under the treaty with Spain, of the 22d February, 1819, have not been overlooked. It is believed, however, that funds may be advantageously supplied for the discharge of those claims, by the issue and sale, at not less than par, of five per cent stock, redeemable in 1832; and it is respectfully proposed that authority be given for that purpose.

Of the $10,331,000 of six per cent. stock, redeemable in 1825, about $5,000,000 will probably be redeemed in that year; and there will remain unredeemed, after the application of all the means at the disposal of the Commissioners of the Sinking Fund, about $5,331,000. This sum, it is believed, may be readily exchanged for five per cent. stock, redeemable in 1833, and it is respectfully suggested that provision be made, by law, for such an exchange of so much of the six per cent. stock as shall not be redeemed during the year 1825.

The views which are herein presented are founded upon the idea that no extraordinary expenditure is to be incurred. If, however, it be deemed advisable to give increased extension or activity to the Navy, or to aid in objects of internal improvement, it is believed that such additional means as may be required, may be obtained by a judicious revision of the tariff. Such a measure was recommended in the last annual report, with a view both to the increase of the revenue and the simplification of its collection; and further reflection and experience have tended to strengthen the opinion then entertained, that its operation, without being onerous to the community, would be advantageous to the revenue, salutary to the commerce, and beneficial to the manufactures of the country.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, *Dec.* 31, 1823.

ROADS IN FLORIDA.

The following bill was taken up in Committee of the Whole:

A Bill to authorize the laying out and opening certain Public Roads, in the Territory of Florida.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola and St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cowpond, on the Choctawhatchey river; thence, direct to the Natural Bridge, on the Ecanfinan river; thence, to the Ochesee Bluff, on the Appalachicola river; thence, in the most direct practicable route, to the site of Fort St. Levis; thence, as nearly as practicable, on the Old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized to employ the troops of the United States stationed in Florida, in such manner as he may think proper, in the completion, or in assisting in the completion, of said road.

SEC. 4. *And be it further enacted,* That, for defraying the expenses of opening the said road, the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbor and the Bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed and marked out, the route for a public road, from Cape Florida to St. Augustine.

SEC. 5. *And be it further enacted,* That, for defraying the expenses of the surveys aforesaid, the sum of $3,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

The first section having been read—

Mr. CALL, Delegate from the Territory of Florida, advocated the measure proposed by the bill, as one imperiously demanded by the exigencies and peculiar circumstances of that country, and eminently calculated to advance its settlement and prosperity. The population of what was lately the Floridas, he said, lies at the two opposite extremities of the territory, Augustine and Pensacola; the two points to be connected by the road now proposed. The course of the road passed through a region of country till now very imperfectly known, but whose fertility was calculated to attract emigration. The late treaty, by which the whole of this country had been transferred to the jurisdiction of the United States, opens a fine field for emigrating enterprise, and, from the richness of the soil, there was little doubt but that the interior would, in a short time, become densely peopled. The road which at present connects the two points he had mentioned, takes a circuitous route of more than seven hundred miles, through parts of Georgia and Alabama; whereas, the direct course of the new road would make the distance to be travelled about three hundred and seventy-six miles. The petition on which the bill is founded, asks only for $20,000 to defray the expenses of making this road—an amount which, when the nature of the country, and the magnitude of the undertaking is taken into view, will appear to every candid person, very moderate. The estimate had been made as low as circumstances would allow, but it was hoped that, by a judicious expenditure, that amount might be rendered sufficient. Almost the whole of the very fertile tract, through which the road is proposed to pass, is in the hands of the United States' Government, as public property; few or no grants having been made of lands in the interior. The road will, therefore, be a measure of policy to the Government, from its effect on the value of its lands, as well as of great benefit to Florida.

Mr. **Gurley**, of Louisiana, moved to amend the bill by striking out all that part of it which provides for the employment of the United States' troops in making the road. Favorable as he was to all measures of internal improvement, and to the particular object now proposed, he was not disposed, in the accomplishment of it, to jeopardize the lives of the soldiers by employing them in the work. It was a fact well known, that the employment of the troops in works of this description, had, in many instances, proved fatal to them. He had personally witnessed this, and knew it to be true. It had for some time been the policy of the United States so to employ them, but, when this policy was extended to southern climates, the soldiers became victims of the occupation. He repeated the assurance that he was friendly to the object of the bill, and would vote for it were this feature removed.

Mr. **Call**, in reply, said, he hoped the amendment would not be adopted, as it would in effect defeat the bill altogether. The gentleman from Louisiana, while desirous of exempting the troops from the labor of making the road, had proposed no substitute for them. For himself, Mr. C. said, he was as much disposed to foster the interests and preserve the life and health of our soldiery as any man, and as much opposed to setting them at a menial or degrading employment; but this was not such an employment of them, nor was it a new proposition, but on the contrary a matter of every day occurrence. The object to be accomplished was one of great importance to the United States, in a national view, and might without impropriety occupy the leisure of a small portion of her troops. As to its exposing them to disease, he had himself lived for years in Florida, had traversed it in all directions and at all seasons, was thoroughly acquainted with its climate, and he did not apprehend any such consequence as the gentleman seemed to anticipate. Besides, if the bill shall now pass, the labor will be finished before the more sickly months arive. The road we ask for, said Mr. C., can soon be made. We do not contemplate at present any great or costly road, such as it will occupy a long period to complete; all that we ask or look for will expose the soldiers to no great amount either of labor or danger. Were it a time of war, indeed, we should not think of so employing them; but it is a season of profound peace, and no detriment can arise to the public safety or interest from doing it. In fact, the road must be made in this way, or not at all, for the country is so sparsely settled that there is not in the Territory a population, either in sufficient number, or of the proper kind, to accomplish it.

Mr. **Cocke**, of Tennessee, wished to know from the gentleman who objected to this employment of the troops, how they could be better employed? We have had, not long since, a sad experience to teach us that, if not employed in something that is useful, they will soon employ themselves in what is mischievous. We have got them; we have paid for them; we must feed them; and of what service are they to us if we may not employ them?

Mr. **Gurley**, in reply, said, it was possible he might have been deceived in his apprehensions; he presumed the gentleman from Florida was better acquainted with the circumstances of that country than he was; and he believed they were both disposed to act on the same principle. He was persuaded, if his fears were not visionary, and danger did really exist, all the gentlemen who were friendly to the bill would be as ready as himself to avoid incurring it. Certainly, the death of our soldiers was to be deprecated. We give a bounty to get them, and when they die the Government is a loser. What he had stated as to the danger of the climate, he had advanced from experience and personal observation. He knew, and could prove, that, out of a full company recruited in Boston, in May, 1821, and employed that summer in erecting public buildings at Baton Rouge, only fifteen were left alive at the close of the season. Was it right to expose our troops to a danger of this kind? It might be very true that, if employed at all, in time of peace, they could not be better employed than in making public roads. But, was there any necessity for employing them? Because we cannot employ soldiers every day in the year in actual labor, are we to disband them? Our soldiers are the salvation of the country; to them we look when her soil is invaded or her liberty threatened. It might be that the climate of Florida was attended with no such danger as he had mentioned, though, from its situation, he should expect its climate greatly to resemble that of Louisiana. He once more avowed that he was entirely the friend of the measure; and, if no substitute for his amendment could be provided, he should be unwilling, by insisting on it, to prevent the passage of the bill. He was decidedly of opinion that no better use could be made of the public money than to apply it to roads, canals, and internal improvements. We could not leave to posterity a better inheritance.

Mr. **TRIMBLE**, of Kentucky, said he should be sorry were the amendment to prevail. The question of employing the troops of the United States in laboring at public works, was one which had been frequently discussed upon this floor; and he believed the mind of Congress, and of the nation, was made up on its propriety. The honorable gentleman from Louisiana had spoken of the mortality attending the Southern climate. But, were Congress to relinquish the idea of employing the soldiers on this road, and to send five hundred citizens from civil life to do the work, would not they be in as great danger as the soldiers, or was it important, in the question of climate, whether a man wore a military coat or a homespun one? If the object sought was the saving of the wear and tear of human life, then it was surely humanity to employ the soldiers; for, suppose we have in Florida five hundred troops, and we send in addition five hundred citizens, then the climate makes war upon one thousand human beings instead of five hundred. He remembered, indeed, that General Wilkinson had informed the nation that a soldier is a gentleman, and must do no labor; and yet the same great General, almost in the very same paragraph, had set this gentleman to carrying a knapsack with six days' provision on his back. For himself, his judgment had always been in favor of employing the troops in making roads upon our frontier. Forts, indeed, he would not set them to build; not because it was laborious, but because forts usually were built, and could be built, both better and cheaper, by contract.

Mr. **SHARPE**, of New York, recurring to the statement of the gentleman from Florida, insisted on the economy of employing the troops on this object. Here was a road of 350 miles to be made, and there were already 750 troops in the territory through which the road is to pass. These troops receive, when working on roads, 10 or 15 cents per day, additional wages, (no small matter to a soldier;) was it not better to hire hands at 10 or 15 cents a day than to send to the North for workmen, who must be paid at the rate of 75 or 100 cents?

Mr. **HEMPHILL** observed that our soldiery had frequently been employed in works of this description, and it was a general observation, that they were never healthier than when thus occupied. If they had experienced unusual mortality at the South, it was from the effects of the climate, not those of the moderate labor to which they were exposed. The troops now proposed to be employed were not to be sent into the climate of Florida; they were already stationed there, and it was a settled point, that the President might employ them at his discretion. The Romans always employed their soldiers on roads; this practice was common with the ancients, some of whose noblest monuments of public utility were the work of their armies. It was surely useless to keep soldiers in idleness, when useful and healthful employment could be found for them.

Mr. **SANDFORD**, of Tennessee, suggested that the fears of the gentleman from Louisiana might be obviated, and the general measure not prevented, if he modified his amendment, so as to confine the employment of the troops to certain months of the year, so as to avoid the sickly season.

Mr. **GURLEY** expressed himself willing to accept of this suggestion; but

Mr. **SHARPE** thought it was unnecessary, as it was discretionary with the President to employ them at such times as he thought expedient.

Mr. **COCKE** agreed in this opinion. We ought certainly to place some confidence in the Executive, who would not, he trusted, employ the troops of the United States in any manner that was calculated to destroy them. He could not help adding, he said, that this was the first time in his life he had heard the idea advanced that labor was worse than idleness for the preservation of health.

Mr. **HENRY**, of Kentucky, said, that the troops in Florida were stationed, and would be kept in that country to maintain our possession of it; no new destination of troops, therefore, was contemplated by the bill. Both the points intended to be connected by the proposed road were military stations. They were far apart, and in case one of them should be attacked, it was fit that there should be a direct and speedy communication between them. The power to employ the troops is discretionary, and in whose hands, asked Mr. H., is it reposed? In the hands of the Commander-in-chief of the Army. If the President of the United States, in the exercise of his sagacity and vigilance, should perceive danger to arise from such employment of the soldiers, he has it in his power, and doubtless will have it in his wish, to avoid that danger. But the danger is visionary. Would not the soldier himself, asked Mr. H., prefer employment to the dull monotony of garrison duty—to the eternal recurrence of the same scene in the same place? The fears expressed on this subject contradicted all theory and all experience; inaction has ever been found to produce both moral and physical maladies—while on the other hand, employment is healthful alike to body and mind.

The question being taken on the motion of Mr. **GURLEY**, to strike out the second section of the bill, it was decided in the negative by a large majority.

After some further conversation on the details of the bill, it was ordered to be engrossed, and read a third time on Monday.

The House went into Committee of the Whole on the bill for the relief of Samuel Wharton, assistant marshal to take the census of manufactures in South Carolina in 1810.

The bill was reported without amendment, and ordered to a third reading; when the House adjourned to Monday.

Monday, January 5.

Mr. **Cambreleng** presented a memorial of the merchants, traders, and other citizens of the city of New York, praying that a duty of ten per centum may be imposed on sales at auction, excepting the effects of bankrupts, of deceased persons, goods sold for the benefit of underwriters, shipping, and real estate.

Mr. **Tod** presented a memorial signed by sundry members of the Legislature of the State of Pennsylvania.

Messrs. **Tod**, **Miller**, and **Breck**, also presented memorials of sundry inhabitants of the city and county of Philadelphia, in the State of Pennsylvania, respectively praying that efficient measures may be taken for the security and protection of the manufacturing interest of the country.

Mr. **Hemphill** presented a memorial of sundry inhabitants of the city of Philadelphia, praying that additional duties may be imposed on iron and iron-castings which may hereafter be imported into the United States.

Mr. **Breck** presented a memorial of Kreymborg and Hagedom, quill manufacturers in the city of Philadelphia, praying that so much of the acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a duty on raw quills, may be repealed.

Ordered, That the said memorials be referred to the Committee on Manufactures.

Mr. **Webster** presented a memorial signed by a committee on behalf of the inhabitants of the city of Boston, and its vicinity, praying that the situation of the Greeks, now engaged in arms in rescuing their oppressed country and brethren from Turkish bondage, may engage the early and favorable attention of Congress; which memorial was ordered to lie on the table.

Mr. **Mercer** presented a memorial and petition of sundry merchants and underwriters of Alexandria, in the District of Columbia, praying for the interposition of Congress in procuring redress for spoliations committed on their lawful commerce on the high seas, by French cruisers, between the years 1793 and 1800.

Mr. **Blair** presented a memorial of the ninth convention of the Manumission Society of Tennessee, praying Congress to adopt measures for the prevention of slavery in future in any State where it is not now allowed by law, as, also, for its proscription in States hereafter to be formed and admitted into the Union.

Ordered, That the said memorials be referred to the Committee on the Judiciary.

Mr. **Breck** presented a memorial of the Chamber of Commerce, in the city of Philadelphia, praying that an act may be passed prescribing an uniform system of bankruptcy for the United States; which memorial was ordered to lie on the table.

Mr. **Little**, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Mary James, accompanied by a bill for her relief; which bill was read twice, and committed to a Committee of the Whole.

An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana, was read the third time, passed, and sent to the Senate for concurrence.

The engrossed bill to authorize the laying out and opening of certain public lands in the Territory of Florida, was read a third time, passed, and sent to the Senate for concurrence.

The engrossed bill for the relief of Samuel Wharton was read a third time, passed, and sent to the Senate for concurrence.

[This bill gave rise to some debate, which turned on the construction of the bond given by marshals employed to take the census, and on the question, whether the United States are bound for the pay of their deputies. (The person named in the bill being such deputy, and his principal having failed.) Mr. **Isacks** of Tennessee, Mr. **Whittlesey** of Ohio, Mr. **McCoy**, and Mr. **Tucker** of South Carolina, took part in the discussion.]

PENELOPE DENNY.

The House went into Committee of the Whole, Mr. **Taylor** in the chair, on the bill for the support of Penelope Denny, mother of James Denny, late a quarter gunner in the service of the United States.

The bill gave rise to some conversation between Mr. **Cambreleng** and Mr. **Fuller**, of Mississippi, in which, also, Mr. **Hamilton** took part.

Mr. **Cambreleng** wished that the support of Mrs. Denny should be drawn from the navy penson fund. Mr. **Fuller** objected to this as being not within the words of the law creating that fund, which confined it to the widows and children of officers and marines, but did not extend to their other relatives. Mr. **Hamilton** wished the subject referred for more mature consideration when, on motion of Mr. **Cambreleng**, the consideration of the bill was postponed.

COSTS IN PATENT CASES.

Mr. **Webster**, from the Committee on the Judiciary, to whom was recommitted a bill concerning costs in certain cases, reported the same, with the amendment directed by the instructions of the House, viz: the substitution of one hundred dollars in place of thirty dollars, as the minimum of damages awarded by a jury, on which costs should be allowed.

The question being on ordering the bill to be engrossed for a third reading as amended—

Mr. **Webster** said, that, on the introduction of this bill to the House, a few days ago, he had stated the reason for proposing this bill, to be, that though the law limited the recovery of costs, in the courts of the United States, in general cases, to suits involving an amount not less than five hundred dollars, there was a propriety of a reduction of the minimum in the case of suits by patentees, because it was supposed to be matter of necessity for the patentee to sue in the Federal courts. An honorable member had, on a former occasion, suggested that the State courts have jurisdiction in cases of this description; but, Mr. W. said, if the honorable member would refer to the law, he would see that the act of Congress which creates the right prescribes the remedy, and provides that the patentee may sue for it in the circuit courts of the United States, and under that phraseology it was presumed that he could not sue elsewhere than in those courts.

Mr. **Buchanan** had objections to the whole bill. What, asked he, is the law in the case of patentees as it now stands? A most extraordinary distinction over other clients is made in their favor, by granting them judgment for three times the amount of damages awarded by a jury. And what does the bill, now before the House, propose to do in favor of those favored individuals? To superadd costs to that treble verdict. He would ask, whether such a measure is right; whether it is politic; whether it is just? He thought it would be neither. He thought it far better to let the law remain as it now stands. What had been the history of this country on the subject of patent rights? It was known to all, that the privilege granted by the patent law, had been extensively diffused through the Union. The number of patents actually issued was very great; the number pretended to be enjoyed was greater still. Impositions were multiplied. In some districts of the Union very large amounts of money had been collected from such as were afraid of the expense of a law suit, by persons claiming to have a patent for the use or manufacture of certain articles; and, after they had gone through a whole region, thus practising on the fears or ignorance of the inhabitants, it turned out, when at last some one had hardihood enough to contest their claim, that they had no right at all. This was especially the case in those States which were of extensive size, and the distance from the circuit court occasioned formidable expense in resorting to trial. The claimant brings a patent in his hand, and thus has *prima facie* evidence of the validity of his right; he asks, perhaps, but eight or ten dollars for the article; who would not rather pay that sum than run the risk of travelling one or two hundred miles, to the circuit court, taking witnesses with him, at the risk, if he fails, of having treble damages to pay, and, if this bill passes, costs to boot? He could scarce conceive of a measure better calculated to enable designing men to roam at large and prey upon the community. He thought, for his part, that the law was already hard enough. It gave already enormous advantages to the patentee over his opponent; and, if costs were to be superadded, it destroyed all prospect of successful contest. Costs, it must be remembered, are, in their nature, very indeterminate; their amount might increase to such a sum as would ruin a man. To be sure, the amendment now reported makes the bill better, so far as it goes; but, even under the bill, as amended, if a patentee does but obtain a verdict for thirty-four dollars, he gets his costs also allowed him, because treble the verdict runs over one hundred dollars, and brings him within the provisions of the bill. Is it not proper, asked Mr. B., that the pretended patentee shall first be made to establish his right before his opponent is threatened with treble damages and costs? He thought the law should at least be left unaltered; for himself, he felt more disposed to curtail than to extend it.

Mr. **Livermore** said, that, at first, he had viewed the object and provisions of the present bill as proper and expedient; but, on further reflection, he had seen reason to alter that opinion. He thought, however, that the fault of the system did not lie so much in that feature of it which allowed costs where damages over one hundred dollars were obtained, but in that which previously allowed the verdict of the jury to be treble. Why should not suitors under the patent law be placed on the same footing with other suitors? The alteration he wished to prevail was to repeal the treble damages and allow costs in all cases. But if it should be deemed proper to alter that provision, then he thought that costs should be given, rather where the amount was under one hundred dollars than over that sum. If a verdict was obtained for ten dollars and treble, the additional twenty dollars was not likely to be enough to cover the costs. He wished to see the whole system placed under the Committee on the Judiciary to be remodelled; he would also give the State courts concurrent jurisdiction with those of the United States, in cases under the patent law.

Mr. **Webster**, in reply to Mr. **Buchanan**, said, that he felt no particular anxiety on the subject of this bill; but, having charge of the bill, it seemed proper of him to say something in its defence. The House would recollect, he said, that this whole case of patents is taken, by the law, out of the hands of the State courts, the jurisdiction over it being exclusively reserved to the courts of the United States. The power of legislating on this subject is taken from the States by the Constitution of the United States. And, at this time of day, and before this Assembly, Mr. W. said he need not argue that the right of the inventor is a high property; it is the fruit of his mind—it belongs to him more than any other property—he does not inherit it—he takes it by no man's gift—it peculiarly belongs to him, and he ought to be protected in the enjoyment of it. Precisely as the arts advance, Mr. W. went on to say, does property of this description become valuable; where the nicest machinery is in operation, it is there that the improvements of inventors are in the highest estimation—and with regard to those branches of industry which have been most successful in this country, they are more indebted to the ingenuity of inventors—to the power of mind in the improvement of machinery, than to another species of aid which they have received from time to time. It is to encourage these inventions that our patent laws are designed. Is it any answer to this argument in their favor, that impositions are sometimes practised under cover of these laws? Is it not so with every thing else? With regard to land, for example—are there not many persons pretending to have titles to land who really have no title? Are there not as many speculations in landed property as in the property of mind? And shall a man not recover his right to land because the world is full of pretensions of right to land where no right exists? Surely not. It was said by an honorable member from the West the other day, that the people in his part of the country did not know that there was such a thing as a patent office in the country, or such a clause in the Constitution as that which relates to patent rights. Mr. W. said, he did not know that on this account the House should accommodate its legislation precisely to that state of information. The error was not in the Constitution or the patent laws, but in the want of knowledge among the people, and could only be corrected by its diffusion. In restricting the patentee to the recovery of mere judicial damages, Mr. W. continued, justice was not done to him. He cannot sue for all his right at once, because the violations by which he is deprived of it are numerous. Suppose you were to compel a man, in suing for land, to sue for it acre by acre—he might get his land, indeed, but he would be ruined by the process of recovery. It was because the particular injury in the case of the violation of a patent right was small, and the expense of redressing it great, that the provision of this bill appeared to be expedient. A redress of the actual injury was not sufficient in this class of cases—if the penalty for the violation was not sufficient to act *in terrorem*, it was nothing. Do not all penal statutes, Mr. W. asked, go on the ground, that damages are not only to be given to indemnify a sufferer in a particular case, but to such an amount as to deter others from doing the like? The argument of the gentleman from Pennsylvania, besides, went too far. If the damages are awarded at five hundred dollars, as the law now stands, costs are allowed; whilst, if the damages be but ten dollars, they are not allowed. What justice was there in this? Where an action is brought to recover damages for the use of an invention or improvement in machinery, the common rule is, to settle the amount of damages at the sale price of the article; and one of the injurious consequences to defendants themselves, from the present state of the law, is, that the juries give as much damages as will carry the costs. He could assure the gentleman from Pennsylvania, whatever might be said in other parts of the country, there was no right which an independent jury of the part of the country in which he resided would protect with more certainty or vigilance, than the patent right. In a clear case, where the intention to deprive the inventor of the benefit of his patent was obvious, the jury would, in almost any case, give damages to the full amount of five hundred dollars. This bill, therefore, would, in this respect, be beneficial to the defendants themselves. On the part of patentees, there were so many things to be proved—for instance, that the invention is new, that it is useful, that the specification is accurate, &c.—so much nicety was required, as to throw sufficient obstacles in his way. The right of the patentee, Mr. W. said, was one which the Constitution of the United States had authorized and enjoined upon Congress to protect; the party injured has no security or resort elsewhere, but to the courts of the United States; and if it was reasonable that in such case he should be entitled to recover costs where the damages amount to one hundred dollars, then this bill ought to pass; if not, it ought not to pass.

Mr. Buchanan, in reply, observed, that no one could be more disposed to protect the just rights of patentees than he was; nor could any person concur more heartily than he did in the sentiments of the honorable gentleman from Massachusetts respecting the property which an inventor has in that which is the product of his own genius; yet, he held it to be a principle in legislation, while guarding the rights of one individual, not to forget or to impair those of the rest of the community. A wise legislator was bound to give equal protection to the rights of all. Ever since the passage of the patent law under the Constitution, the courts had been open to patentees, and the burden of proof had always been cast on the violator of his patent. He must prove that his act was no violation of the patent, or that the patent was in itself invalid. This operated, at least in that part of the Union which he had the honor to represent, as a great hardship; yet it had been cheerfully submitted to, and the mere production of the patent was allowed to be presumptive evidence in favor of the patentee. But the law went farther; it not only threw the burden of proof on the alleged violator, but it tripled all damages against him. And now it was proposed to go farther still, and to allow all costs in the bargain, wherever these damages should, when tripled, amount to $100. Had he rightly heard and understood the gentleman from Massachusetts? Did he say that, in that part of the Union, a jury would always give a verdict of $500? If such were the fact, he did not wonder that the voice of the community was never heard against the provisions of the law. Who would not rather pay $10 than run the risk of a verdict of $500, to be tripled, with costs? No wonder there was a deep silence. The act, as amended by this bill, placed the community at the mercy of patentees. To oblige a man to go two or three hundred miles to court, then oblige him to prove the patent false, and, if he fails, to make him pay triple damages, and costs of suit, is to place an array of obstacles in the way that must, in most cases, effectually prevent the validity of patents from being ever contested. Such ought not to be the practical operation of law on this subject. If the law is left as it now stands, will the patentee suffer any injury? None at all. Suppose his patent is a good and valid one, and suppose he has to sue in order to establish that fact, will not such a suit be, in effect, a benefit? Can he not thenceforth exhibit with his patent the verdict that has confirmed it? But, if this bill becomes a law, it will go forth throughout the country to let loose unprincipled pretenders to prowl upon the community. He was very sorry it had been his lot to differ in opinion from the honorable member from Massachusetts, for whose opinions no man cherished a more profound respect; but he had been reluctantly urged by a sense of duty to oppose a bill which he conceived to be fraught with injury.

Mr. CLARKE, of New York, then moved

> "That the bill, with the amendment, be recommitted to the Committee on the Judiciary, with instructions to inquire into the expediency of repealing so much of the law upon the subject of the violation of patents, as provides for the recovery of triple damages in suits brought by patentees for such violation, and that where judgment shall pass for defendant, or the plaintiff become non-suit, or suffer discontinuance, the defendant shall recover double costs."

The motion was agreed to, and the bill recommitted accordingly.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The engrossed bill to provide for surveying and making a road from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas, was read a third time.

Mr. BASSETT rose and said, that, as several bills on this subject were before the House, he wished that opportunity might be afforded, to those who have Constitutional objections to acting on the subject at all, to discuss the general principle before going into the details. This was more widely involved in the general bill which had been reported for estimates and surveys, &c.; and, in order to await a decision on that bill, he moved to lay this bill on the table, with an intention that it should not be called up until after the general bill should be acted upon.

This motion was negatived—ayes 76.

Mr. FLOYD, of Virginia, rose and inquired whether any part of this road was to pass through the State of Tennessee, or whether the whole of it lay exclusively in Arkansas? His vote would entirely depend upon the answer to this question. [After it was answered, that no part of this road would pass through the State of Tennessee, Mr. F. said he had then no objection to the bill.]

Mr. ALLEN, of Tennessee, advocated the bill, as it would be a saving of more than four or five hundred miles to emigrants, in reaching the lands of that Territory, and thus facilitate greatly the settlement of the public lands. It was no new precedent, but had frequently been done for Territories less insulated than Arkansas.

Mr. CONWAY stated the facts of the case. Memphis is situated on the East bank of Mississippi river, in the Southwest corner of the State of Tennessee, at the point on the river commonly denominated the Lower Chickasaw Bluffs. No part of the road, therefore, could go through Tennessee unless it was made purposely retrograde to effect that object. To show that the present was no novel application to Congress, Mr. C. referred to a series of acts making appropriations for similar objects. In 1806, $6,400 was granted for a road from the frontier of Georgia toward New Orleans, in the 31st degree of north latitude; $6,000 was granted the same year for a road from the Mississippi to the Ohio; $6,000 for another road from Nashville to Natchez.

In 1811, $6,000 was appropriated for two roads to the south of Lake Erie. In 1816, $8,000 was given for a road from Shawnee Town, on the Ohio, to Kaskaskia.

$10,000 had been granted, in 1816, to open a road from Fort Hawkins, in Georgia, to Fort Stoddart, in Alabama, and another from Columbia, Tennessee, to Madisonville, in Louisiana.

He enumerated also several grants of $4,000 and $5,000, for the repair of roads in several parts of the frontier. He was far from complaining of this liberality to others—all he asked was a proper participation by the Territory he represented. That Territory was insulated in its situation; with a population of but 50,000 white inhabitants, it contained from 40,000 to 50,000 Indians. From various indications of uneasiness among the latter, there was a general anticipation of another Indian war, twelve or eighteen months hence, possibly sooner. Without such a road, it would be impossible to transport troops and munitions of war into that Territory to any effect. What they asked for was a military and post road. The United States owned within that Territory more than fifteen millions of acres of land, which could not come to a market for want of a road to get to it. He had, besides, been informed, both by the Secretary of War and Quartermaster General, that the delay of mails to and from the Territory was so great that no returns had been received in proper time, if at all; the proposed road would remove this evil, and facilitate the communication with Government.

Mr. ISACKS, of Tennessee, advocated the bill at considerable length, dwelling on the facilities it would furnish to emigration, and to the protection of the Territory—on the importance of the Territory, as a part of our frontier toward Texas, and the policy of obtaining for it a substantial and speedy population.

Mr. CONWAY, perceiving that some members seemed to feel hesitation respecting the bill, as proposing a road which began its course in Tennessee, moved to recommit it, with instructions so to amend the bill, as to provide for the road's commencing within the Territory of Arkansas, at a point on the west bank of the Mississippi, opposite to Memphis.

Mr. TRIMBLE thought that there was no necessity for this, if a better road, and cheaper, might be obtained by passing for a few miles within the State of Tennessee. While up, he would remark, that many of the inhabitants of the Territory of Arkansas came within our jurisdiction solely by the treaty which ceded Louisiana to the United States; these had certainly a strong claim on us for protection. They were exposed to peculiar danger from the great accumulation of Indians within that Territory since it became United States property, which was produced by the wise policy pursued by our Government in other parts of the frontier in separating the tribes from each other. In Arkansas they were now in a measure concentrated, and being withal much dissatisfied, there was some prospect of war. 5,000 Cherokees are to be added to their numbers in the Spring. Should a war break out, the necessity for the road was manifest. Mr. T. was decidedly friendly to the bill.

Some further conversation took place, when the bill was recommitted.

Tuesday, January 6.

A Message from the **President of the United States**, received yesterday, was read as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 18th of December last, requesting copies of contracts for cannon, cannon shot, muskets, and other small arms, which have been entered into since the 1st of January, 1820, and for other detailed information therein specified, I herewith transmit a report, with accompanying documents, from the Department of War.

JAMES MONROE.

Washington, *January* 5, 1824.

The Message and accompanying documents were laid on the table.

Mr. **Buchanan**, from the Committee on the Judiciary, to whom has been referred sundry memorials upon the subject, reported a bill to alter the judicial districts of Pennsylvania, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. **Newton**, from the Committee on Commerce, reported a bill for the relief of Isaac Collyer and others; which was read twice, and committed to a Committee of the Whole.

Mr. **Hemphill**, from the Committee on Roads and Canals, to which was recommitted the bill to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas, reported the same with an amendment, which was agreed to by the House, and the bill was ordered to be re-engrossed, and read a third time to-morrow.

Mr. **Mercer**, from the committee upon the subject of the proposed canal to unite the waters of the Chesapeake bay with those of the river Ohio, to which was referred the letter of William H. Jones, accompanied by a copy of Shriver's map of the country through which the said canal is proposed to pass, reported the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to provide such charts, maps, and other furniture, for the several committees of the House, under the instruction of the Speaker, as may be, in his judgment, calculated to facilitate the performance of their respective duties.

The resolution was agreed to by the House.

On motion of Mr. J. S. **Barbour**, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of changing by law the route of the main western mail from Staunton, in Virginia, to the city of Washington; and that the said committee inquire if it be not practicable to conduct the said mail by a shorter and better route than that which is now pursued.

Mr. **Brent** moved that the House do come to the following resolution:

Resolved, That the report of the land commissioners in Louisiana, together with all the evidence, papers, and documents, on file in this House, relative to the claim of the representatives of the Marquis de Maison Rouge to a tract of land in Ouachita, in Louisiana, containing thirty square leagues, or upwards, be referred to the Committee on Private Land Claims, with instructions to report thereon, with a view to the final disposal of the same.

The resolution, after some debate, was ordered to lie on the table.

On motion of Mr. **Cook**, the Committee on the Judiciary were instructed to inquire into the expediency of altering the time of holding the terms of the district court of Illinois.

On motion of Mr. **Sloane**, it was

Resolved, That Parmenio Adams, who contests the election of Isaac Wilson, returned a member of this House, be permitted to appear within the bar, and be heard in support of his petition, during the discussion of the report of the Committee of Elections on said petition.

On motion of Mr. **Cobb**, the Committee on Indian Affairs were instructed to inquire into the expediency of repealing an act, entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed on the 3d day of March, 1819.

On motion of Mr. **Prince**, the Committee on the Public Lands were instructed to inquire into the expediency of granting the right of pre-emption to one quarter section of land in the county of Parke, in the State of Indiana, upon which to locate the seat of justice for said county: provided, the same shall be selected previous to the public lands in said county being offered for sale.

The House then passed to the order of the day, which was the unfinished business of yesterday, and, after some observations of Mr. **Cambreleng**, the Committee of the Whole, on the bill for the relief of Penelope Denny, had leave to sit again.

MEMORIAL OF D. W. COXE.

Mr. **Campbell**, of Ohio, from the Committee on Land Claims, stated he was instructed by the Committee on Private Land Claims, to ask that they be discharged from the further consideration of the memorial of Daniel W. Coxe, for a confirmation of a grant of land to the Marquis de Maison Rouge, and the accompanying documents. As a reason for making this request, he said, several members, of whom he was one, had received several letters from Mr. Coxe, intimating he had not requested any person to bring his claim before Congress at this session; that he had withdrawn his vouchers; had sought redress in the courts of Louisiana, and that he did not wish any step to be taken by Congress in relation to his claim.

Mr. C. said among the cases referred to the committee, there was a memorial of Mr. Coxe, dated in 1820; that there was on file no proof to support his claim, but much intended to invalidate it. He hoped the committee would be discharged.

Mr. **BRENT** opposed this request, and contended that, as to this claim, it was the duty of this House to decide upon its validity. It had been reported on four years ago, and the final decision had been delayed by Mr. Coxe all that time; the result of which was, that the lands were held back from market, to the great injury both of Louisiana and the United States. He now withdraws his papers; but this should not prevent an investigation. Did he believe there was a shadow of equity in the claim, Mr. B. would act otherwise; but knowing, as he did, that the claim was illegal, and believing it to be a most iniquitous one, he wished that a decision of the committee might be had, to put an end to it. He admitted, as a general position, that every petitioner has a right to withdraw his petition; but there were exceptions to the rule.

Mr. J. T. **JOHNSON**, of Kentucky, urged the propriety of discharging the committee from the consideration of this claim, Mr. Coxe having resorted to the courts of law for a decision of it, and withdrawn it from this House, &c.

The question being taken, the committee was discharged, and the memorial was laid on the table.

CONTESTED ELECTION.

Mr. **SLOANE** moved to postpone all the orders of the day previous to the report of the Committee of Elections, on the claim of Parmenio Adams to the seat, in this House, of Isaac Wilson. Agreed to; and the House went into Committee of the Whole, on that report.

[The facts of this contested election, condensed from a pretty long report of the Committee on Elections, are as follows: In the county of Genesee, forming the 29th Congressional district of the State of New York, Isaac Wilson and Parmenio Adams were opposing candidates for Congress. The former was returned as having received 2,093 votes, whilst Parmenio Adams had 2,077 votes. The petitioner, Mr. Adams, claims the seat to which Mr. Wilson was returned, on the ground that, in the town of China, 67 votes were returned for the sitting member, whereas the true number given in for him was 45 votes. The sitting member as a set-off for this error (which is fully made out) offers proof of 12 votes which either the petitioner received more than he was entitled to, or the returned member was not allowed credit for on his side. The Committee of Elections report that five votes should be deducted for error from the number of votes returned for the petitioner from the town of Attica. This deduction, however, still leaves him a majority, after the error on the opposite side is deducted, of one vote over the sitting member. The committee therefore recommend to the House, to reject Isaac Wilson, and admit Parmenio Adams to a seat in the House as the Representative from the 29th district before mentioned.]

The report of the committee, together with the whole of the testimony, was read, and the question being on concurring with the first resolution of the committee, viz: "That Isaac Wilson is not entitled to a seat in this House"—

Mr. **THOMPSON**, of Kentucky, moved, as an amendment, that neither P. Adams nor Isaac Wilson is entitled to a seat in this House. [On this and the subsequent questions on the same general subject a debate arose, which occupied the House during the whole day. This amendment was subsequently withdrawn, and the question being taken on the first resolution, as reported by the Committee of Elections, was carried in the affirmative—yeas 139.

The question being on the second resolution, viz: "That Parmenio Adams is entitled to a seat in this House."

Mr. **THOMPSON**, of Kentucky, moved to amend the resolution by inserting the word "not."

Mr. **WILLIAMS**, of North Carolina, moved, that the Committee rise and report progress, which was lost. Ayes 68, noes 100.

The question being taken on the amendment, (which declares that Parmenio Adams is not entitled to a seat,) it was decided in the negative. Ayes 70, noes 101.

The question then recurring on agreeing to the second resolution, as reported by the Committee of Elections, it passed in the affirmative.

On which the Committee of the Whole rose and reported accordingly.

In the House—Mr. **COCKE** moved to lay the report of the Committee of the Whole on the table; and, the question being taken, it was decided in the negative.

The first resolution was concurred in by the House.

The question being on the second resolution,

Mr. **WHITE** moved to amend the report, by striking out all that follows the word "resolved," and substituting the following:

"That, in the case of the contested election of Isaac Wilson, by Parmenio Adams, it is doubtful, from the evidence, who ought to have been returned the member to the present Congress, from the 29th Congressional district in the State of New York; and, believing that no man ought to exercise the high and honorable station of Representative of the people, by virtue of a vote short of a clear majority of those given at the polls; and believing, also, that the people of that district are competent, and ought, of right, to judge of and correct the return—

"*Therefore, resolved,* That the seat of Isaac Wilson, the member returned from the 29th Congressional district, is vacant.

"*Resolved,* That a writ of election do forthwith issue to supply the aforesaid vacancy, occasioned by the improper return of Isaac Wilson to a seat in this House."

The question being taken on this amendment, it was decided in the negative.

Mr. **LITTLE** then moved to amend the second resolution, by inserting the word "not." Before the question was taken,

Mr. **FOOT** moved to postpone the decision till to-morrow, to allow time for further reflection; which was carried, ayes 92, noes 87. And the House adjourned.

Wednesday, January 7.

The **Speaker** laid before the House the following communications:

I. A letter from the Secretary of State, transmitting a list of the names of persons to whom patents have been issued for any new or useful art, machine, manufacture, or composition of matter, or any improvement thereon, during the last year; which letter and list were ordered to lie on the table.

II. A letter from the Comptroller of the Treasury, transmitting a statement of the accounts which have remained unsettled, or on which balances appear to have been due more than three years, prior to the 30th of September last, on the books of the Second Auditor of the Treasury; which letter and statement were ordered to lie on the table.

III. A letter from the Secretary of the Navy, transmitting an abstract exhibiting the expenditures under the head of contingent expenses, for the year ending on the 30th of September last; which letter and abstract were ordered to lie on the table.

Mr. **Rankin**, from the Committee on the Public Lands, made unfavorable reports on the cases of John Stealy, Elisha Wade, and John and George Salady; which reports were ordered to lie on the table.

Mr. **Whittlesey**, from the Committee of Claims, reported a bill for the relief of Alvin Bronson; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. **Philip P. Barbour**, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of providing, by law, for payment of the legal representatives of Abner Porter, deceased, for a quantity of corn furnished by said Porter to the continental station at the Albemarle barracks, in Virginia, during the Revolutionary war.

An engrossed bill, entitled "An act to authorize the surveying and making a road from a point opposite the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," was read the third time, and passed.

Mr. **Moore**, of Alabama, laid the following resolution on the table, for consideration on tomorrow, viz:

Resolved, That the following amendment be made to the 13th standing rule of this House: line 2, after the word "Department," insert "the Attorney General;" and, in the 13th line, after the same word, insert "or may have held the office of District Attorney of the United States."

CONTRACTS FOR CANNON, &c.

Mr. **Cocke** moved to take up the report of the Secretary of War, (enclosed in the President's Message of yesterday,) respecting certain contracts for cannon, cannon shot, and small arms, and refer it to a select committee.

Mr. **Lathrop** moved that the report be referred to the Committee on Military Affairs.

Mr. **Cocke** said it had been the universal practice of the House, where documents were obtained from the Departments by special calls of the House, to allow the mover of the call to have the documents submitted to a select committee. The Committee on Military Affairs were already crowded with business, to which, if they suitably attended, (and he did not doubt they would do so,) their hands would be full. He hoped that committee would make a general and timeous report on all the matters before them, so that the House might have opportunity to consider it some time before the appropriation bill at the close of the session was passed. He asked it, as a courtesy, that the gentleman would withdraw his motion.

Mr. **Lathrop** consented to withdraw it accordingly, and the documents were referred, as moved by Mr. **Cocke**, to a select committee; and Messrs. **Cocke**, **Smyth**, **Sterling**, **Marvin**, **Buchanan**, **Bassett**, and **McLean**, of Ohio, were appointed the said select committee.

CONTESTED ELECTION.

The House took up the unfinished business of yesterday, which was the motion of Mr. **Little** to insert the word "not" in the second resolution reported by the Committee of Elections, so as to make it read, "that Parmenio Adams is "not" entitled to a seat in this House."

The debate on this subject was continued till nearly three o'clock, when, the question being taken on the amendment, it was decided in the negative—ayes 85, noes 112.

The question then recurring on agreeing with the report of the committee, (which admits Mr. **Adams** to a seat,) was decided in the affirmative—yeas 116, nays 85, as follows:

Yeas—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Archer, Bailey, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Beecher, Blair, Buchanan, Burleigh, Cady, Campbell of South Carolina, Campbell of Ohio, Carter, Cassedy, Condict, Cook, Culpeper, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Farrelly, Forward, Frost, Fuller, Garnett, Gatlin, Hall, Hamilton, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Hooks, Houston, Ingham, Isacks, Jenkins, Jennings, F. Johnson, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Livermore, Locke, Long, Longfellow, McArthur, McDuffie, McKee, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Newton, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Rich, Rogers, Rose, Sharpe, Sloane, Arthur Smith, Standefer, Sterling, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Tod, Tomlinson, Tracy, Tucker of Virginia, Tyson, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Vinton, Warfield, Webster, Whipple, Whittlesey, Williams of New York, Henry Wilson, Wilson of Ohio, Wood, and Woods.

Nays—Messrs. Abbot, Alexander of Virginia, Allison, Ball, Barber of Connecticut, Bartley, Bassett, Bradley, Breck, Brent, Brown, Buck, Buckner, Burton, Cambreleng, Clark, Cobb, Cocke, Collins, Conner, Crafts, Crowninshield, Day, Dwinell, Eaton, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Garrison,

Gazlay, Gist, Govan, Gurley, Harris, Hayward, Hogeboom, Johnson of Virginia, J. T. Johnson, Kent, Kremer, Letcher, Litchfield, Little, McCoy, McKean, McKim, McLane of Delaware, Mangum, Matlack, Metcalfe, Miller, Mitchell of Maryland, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Randolph, Richards, Ross, Saunders, Sandford, Scott, Sibley, Alexander Smyth, William Smith, Spaight, A. Stevenson, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Tucker of South Carolina, Udree, Van Wyck, Wayne, Whitman, White, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of South Carolina, and Wright.

And thereupon, the said Parmenio Adams appeared, was qualified, and took his seat as one of the Representatives in this House for the State of New York.

[The debate in the House of Representatives on the contested election from the 29th District of the State of New York, turned in effect upon a single point, viz: whether a printed ballot, having the stroke of a pen drawn through it, should or should not be admitted as a valid vote. From the returns of the inspectors of the election, it was admitted, on all hands, that the two candidates came within a single vote of having an equal number: the same returns, or rather the certificates accompanying them, stated that one of the votes for Isaac Wilson was of the description mentioned: the printed letters were distinctly legible, but a dash with a pen was drawn across the whole name: on this account the inspectors rejected the vote, and it was not counted. The omission of this ballot, after the deduction on each side for erroneous returns, gave Mr. Adams a majority of one. The advocates of Mr. Wilson contended that, as the ballot contained no other name, and it was not to be presumed that the elector would give in a blank ballot, the mark with the pen ought to be disregarded, and the vote counted as good: for it was possible the voter might have been an old man, and did not see the line across the name, or a simple man, who, intending to vote for Mr. Wilson, had been cheated out of his vote, by having this obliterated ballot put into his hand by an advocate of the opposite candidate, &c. On the other hand, it was insisted that the inspectors were, by the laws of New York, the Constitutional judges of the genuineness or fraudulent character of the ballots; that they had decided on this ballot from ocular inspection, publicly, under oath, and with entire unanimity; and that it was no uncommon thing, in that State, to erase names printed on election tickets, and even to put ballots, entirely blank, into the ballot boxes; instances of which were quoted as having taken place in ballotings in the Legislature of New York, and also in Congress. That the voter might have been induced by a fear of offending Mr. Wilson, or some friend of his, to appear to vote for him, while the voter secretly nullified the vote by first obliterating the name. (The ballots are folded up, so as that the name is concealed.) To an objection that the voter must be out of his senses to lose a day in attending the polls merely for the sake of putting in a blank ballot, which effected nothing on either side, it was replied that many other officers besides members of Congress, were voted for at the same time, and that he might have gone to the polls to vote effectually for these, or some of them, without wishing to effect by his vote the choice of Congressman at all. The advocates of Mr. Wilson, however, denied that the instances of blank votes given in the State Legislature, or in Congress, formed a case in point; because, there, the election turning on a majority of the whole number of votes given, blank votes were counted, and therefore did, ultimately and indirectly, affect the election; but in public elections at the polls, the greater number of votes alone was considered, and a blank ballot, not being counted, effected absolutely nothing. They rejected, as derogatory to the character of an American freeman, the idea that he could be intimidated into acting the farce of depositing a blank ballot; but were answered by the fact that, in that part of the State of New York, great influence is exerted over voters by the agents of great land companies, to whom voters are indebted on account of their farms; one of these companies, (the Holland Land Company,) owns a tract which covers six entire counties, and its agent exercises a well known and powerful influence in political matters, &c.

The propriety of rejecting the erased or crossed ballot, was advocated by Mr. Storrs, Mr. Martindale, Mr. Baylies, Mr. Farrelly, Mr. Mallary, and Mr. Sloane; and opposed by Mr. Ten Eyck, Mr. Thompson, of Kentucky, Mr. Ellis, Mr. Wright, and Mr. Little.

Those who supported the amendment of Mr. Little, which went also to exclude Mr. Adams from a seat in the House, were, Mr. Gazlay, Mr. Little, Mr. Clark, Mr. Camberleng, Mr. Mangum, and Mr. Hogeboom. Those who opposed it were, Mr. Wood, Mr. McDuffie, Mr. Mallary, Mr. Storrs, and Mr. Sloane. The debate covered the same ground as that of yesterday.]

The following is the substance of the remarks of Mr. Storrs, of New York:

Mr. Storrs said that, as the House acted on the subject before them rather in a judicial than legislative capacity, he begged leave to offer those considerations which had led him to concur in the report of the Committee on Elections. The only anxiety of the House must be to do justice to the parties before them on a matter of private right, for so he considered its true nature to be; and the Constitution had invested the House with the office of judges on the question. He considered himself as acting under the solemn sanctions of that character, and bound by the same integrity which should operate on a judicial tribunal in the ordinary administration of justice.

The questions, said Mr. S., for the decision of the House, were reduced to one or two propositions, capable of being easily understood, but they involved considerations extremely interesting to the State which he had the honor, with others, to represent, and deeply affecting the preservation of the purity and character of her electoral system. It appears that the majority returned for the sitting member (Mr. Wilson) was 16; but that, after allowing to the petitioner (Mr. Adams) 22 votes, lost in the returns by a clerical error, and to the sitting member 5 votes, to which he also is entitled for the same reason, the petitioner has a majority of *one vote*, unless the House should further allow, to the sitting member, as single, three double votes rejected by the inspectors as fraudulent, which would give to him a majority of two. If, however, the double votes are rejected, then the sitting member still claims that he should be allowed an erased printed ballot, found in the ballot box, in the town of Middlebury; which was rejected by the inspectors as a blank ballot. The effect of allowing this vote is to produce a tie, and involves the negative of the resolution of the Committee of Elections; which declares that Mr. Adams *is* entitled to the seat. Mr. S. said that, in his judgment, none of those votes could be justly claimed by the sitting member.

By the Constitution of the United States, said Mr. S., the States are authorized to prescribe the time, places, and manner, of holding elections for Representatives to Congress. Of necessity, they had the power of prescribing such regulations as should effectually prevent the fair choice of the majority, honestly exercising their privileges, from being defeated by the practices of fraudulent voters. The mode, adopted in New York, of voting by ballot, might present intrinsic difficulties to the complete attainment of this object; but, so far as it is susceptible of being done, the Legislature has provided such safeguards as to them seemed best adapted to effect it. It is by law imperatively made the duty of inspectors to destroy such double ballots as, on a comparison with the poll lists, and from actual inspection, clearly appear to be fraudulent. In the cases now before the House, it was demonstrated by the poll lists that, counting them as folded ballots, the excess of votes was precisely in each case equal to the number rejected as fraudulent. The evidence shows that the inspectors acted in good faith, and, in his opinion, correctly. In addition to the demonstration of the fraud, by the state of the poll lists, they had the actual inspection of the ballots. The folding of these votes could, therefore, not be attributed reasonably to accident. With such evidence of their character and appearance, it would be little short of a miracle. There was no evidence to impeach the judgment of the inspectors, except what was founded on speculation. It was, indeed, within the broad range of bare possibility, that the circumstance may have been accidental; but, as the question rests upon, and must be settled by, evidence, Mr. S. considered the proof of fraud as clear and conclusive. The presiding officers acted under the sanction of an oath; the clerks of the poll lists were also sworn to the faithful performance of their duty, and a high respect should be held for the judgment of men thus discharging a public duty where the correctness of their decision was unimpeached by contrary evidence, and their motives unquestioned and unsuspected. It was altogether safer to trust the decision of such a point to the inspectors, than to draw it in question here, where, from the destruction of the poll list, and the ballots themselves, the House possessed but scanty materials for decision. He knew well that the House had always exercised a liberal discretion in correcting all errors in the returns of votes, so that the negligence or irregularities of inspectors should not defeat the actual will of the majority, when fairly expressed. He would not say, that, on a question like that now before the House, they were not constitutionally competent to act and decide; but he thought that a very clear and strong case of error should be made out to induce the House to interfere with the judgment of the inspectors. It was, however, generally safer to leave the question to the tribunal to which the law of the State had confided its decision, reserving to the House, only in extreme and clear cases, a supervisory power over their conduct.

The sitting member claims, in his argument addressed to the Committee of Elections, that, on principles of equity, these double votes should be allowed as single. Mr. S. thought that these votes could not be counted, on any principles consistent with the purity and fairness of elections. The first principle of an elective system is, that the will of the majority should govern. The elector who attempts this fraud, meditates the defeat of their will and choice, and aims at the subversion of the whole system. He deserves neither grace, favor, nor privilege, at our hands. Instead of acting in the exercise of his just rights, in the elective franchise, he treacherously uses it only as the means of destroying the rights of the whole community. He is not justly said to be in the exercise of his elective right at all. No elector can claim the exercise of this valuable Constitutional privilege, but in the manner prescribed by the Constitution and laws for the general security of all. The punishment inflicted by the loss of his votes, operates on his own part as a voluntary forfeiture of his right. He is not disfranchised by the law itself. It is the effect of his own folly, and a free renunciation of his privilege, if detected. Good order, public morals, the equal rights of all, and the nature of the privilege itself, necessarily requires its regulation. He may set at defiance the salutary restraints of the law, and surrender up, at his own criminal option, his privileges as a freeman in this case, as he may in many others; but the sacrifice of his rights is spontaneous, and he is the voluntary victim of punishment. The security of the whole requires that he should vote fairly, or not at all. To allow these votes, when detected, as single, operates as an encouragement to these practices. The only risk, in the complete success of such an iniquitous scheme, would be the bare chance of detection, and detection without forfeiture. Mr. S. remarked that the case now before the House was a most remarkable instance in which the fraud had defeated its own purpose. Had these voters honestly exercised their elective right, the sitting member, who seems to have been their favorite candidate, would have had an undoubted majority of two votes. The entire loss of their votes may defeat his election, and the result may fortunately operate as an example, perhaps of more practical value hereafter, in restraint of fraud, than the imperfect sanctions of law. Viewing the subject under the influence of the considerations which he had stated, Mr. S. said that he felt bound to vote in favor of the resolution declaring the sitting member not entitled to a seat in the House.

On the question, whether the erased printed ballot should be counted to the sitting member, Mr. S. said, that one fact appeared from the documents which deservedly had great weight with him. In the town of Middlebury, where this vote was given, the sitting member received a large majority. It was a fair and just inference that the inspectors of election, whose offices are also elective, were the political friends of the candidate having so large a majority in that town. The rejection of this ballot, as a blank, may, therefore, be considered as having been decided on under circumstances peculiarly calculated to prevent injustice to the sitting member's claims. I am not, said Mr. S., disposed even to suspect that the decision of inspectors, under such circumstances, has been erroneous. Had they been friendly to his competitor, I would more liberally and strictly scrutinize their judgment. This election seems, from the result of votes, to have been warmly contested at the polls, and the decision of the board of inspectors, in the case of this obliterated ballot, was unanimous. I can assure the House that, in the elections of New York, there is an abundant scrutiny and watchfulness over the conduct of presiding officers. It is not a thing of easy accomplishment there, by a board of inspectors, even hostile to a candidate, to do him injustice, in a canvass of votes. But, when his own friends have been his judges, we should very cautiously listen to suggestions which are calculated to impeach the justice of their decision. The canvass of votes was open and public. As in all elections in the State, curiosity and anxiety attracted to the canvass, on the opening of the boxes, many of the personal and political friends of all the candidates; it is singular that, of all who probably attended this scrutiny, no one, even of all the electors present, has been found to give an opinion that this decision was erroneous. The personal inspection of this ballot was free to all, and we cannot here have the opportunity of its examination for ourselves. The intention of the person who gave it was to be inferred most accurately, indeed, solely, from its appearance, and from actual inspection.

On the question of fact, the proofs before us unanimously agree. The principal circumstance urged against the conclusion of the inspectors is, that the original print on this ballot was still legible. It was a circumstance most easily to be accounted for. The mere experiment of erasing, by a dash of the pen, any impression of the type, will show that the obliteration is not total. But the question presented for decision was, whether, under all the circumstances and the aspect of that vote, it was not manifestly the intention of the voter to treat it as a blank. There is nothing uncommon or unaccountable in the fact that blank votes are or should be given. It had repeatedly occurred in the State of New York and elsewhere, on various occasions. It might be solved by various considerations. A voter may believe that he may incur the resentment of a merciless creditor of high party feelings, if he refuses to promote his views, or that he may fall under the displeasure of a powerful political man who might exert his influence to his injury. He may honestly dislike the candidate of his own party, and conscientiously refuse to unite in his election, and feel and know that he is secure at the time in refusing by a blank ballot to sacrifice his integrity and duty to his country. He may conscientiously decline to vote for his opponent, whose political principles may be obnoxious, and may be unwilling that it should be believed that he would, by refusing to vote altogether, violate that party discipline which he may honestly think necessary to the preservation of principles. By what motives the person who gave this vote may have been actuated, it is useless to inquire and unnecessary to determine. It is his privilege, if he pleases, to exercise it in that way, that he might, without exposure or injury to himself or offence to others, adopt this mode of voting—and virtually indicate his dislike of both candidates. He may intend to reprobate the nomination of his own party—perhaps to insult the feelings of the candidate. He may even adopt it from motives of delicacy to a personal friend or neighbor who may be the candidate of his own party, whose good will he might not wish to impair by openly declining to vote at all. These, and many other solutions of his motives, may be easily imagined.

In times of high party excitement, (and the State of New York has suffered many violent political convulsions,) the ballot boxes afford perfect security from persecution and political revenge. The debtor may escape the fangs of oppression—the lowest and humblest man may fearlessly exercise his elective right—the tenantry of opulent landlords, or men of great political power, may freely and securely vote and feel that they are protected. In the State of New York this system has been deemed the wisest and best calculated for preserving the unbiassed expression of public sentiment. Mr. S. said that he felt a deep interest in its perpetuation, as affording a shield and protection against all the exertions and strength of undue influence from every source of corruption or oppression. The situation of that State is in some respects peculiar. The lands in that State are, and have been, held by large proprietors. In some parts of the State, townships and counties have been patented to individuals or companies, who might, in party times, exercise a most pernicious influence over those dependent on them. To guard against the operation of such an influence on the electors, the right of voting by ballot is the best security. As an example of the situation of a part of the Western country, Mr. S. alluded to the fact that several counties were chiefly held by a single association—the Holland Land Company. In each county this company had a land office, and the subordinate agents were scattered throughout the whole tract. The debt due to this company, from settlers, amounted to several millions. It was probably in the power of the agents, should they enforce the legal rights of the proprietors, on contracts forfeited for non-payment, to turn out of doors some thousands of families. What, said Mr. S., can so effectually protect the fair exercise of the elective franchise, under such circumstances, but the consciousness of the electors that, in voting by ballot, they may, without danger, in the worst of times, freely manifest their choice of representatives? Should such engines as the power of these proprietors, or their agents, ever be brought into activity under any other system, the free exercise of this privilege must be prostrated. The proprietors of these lands reside in Europe, and we may learn, from the melancholy state of another country in this respect, the lamentable cause which has ruined one of the fairest countries, by reason of the non-residence of large landed proprietors. If the agents of foreign proprietors should exert the influence which they possess in the State of New York, we may expect the same results in a considerable degree. Human nature, in that State, is not free from the common infirmity of man.

Under the present system of voting, the population of this, and all other tracts held in the same way, is protected; and, as an advocate of a free system of voting, and a protector of the privileges of the people of the State, Mr. S. said, he felt bound to preserve, to the fullest extent, the present system—a system which, though in its nature somewhat defective in other respects, yet, in this, deemed indispensable, in that State, to secure the impartial and unbiassed expression of public opinion on public men and measures. There was, in that State, a large landed estate, held by residents in England. It was well known that charges had been made, in relation to the agency of this tract, of an undue influence in the elections. Mr. S. said, that gentlemen acquainted with the history of the political conflicts of the State, must have heard of the celebrated Nunda letter. Mr. S. said, that he had no personal knowledge of this matter; but it showed the wisdom of the system which had been adopted. He trusted that the House would aid in protecting it. The advantages of this system over others, presented a question which that State had rightfully decided for themselves; and having adopted it, as, on the whole, best adopted to their peculiar situation, he deemed it of vital importance to the State to secure it effectually.

He meant not that it should be inferred that an undue control of elections by the large landlords was common in the State. He should not ask the House to look beyond the reach of his voice, to know that there was one even here, who spurned the undue influence of a munificent fortune—whose name was warmly cherished in the love of his tenantry, and who was best known to them in the kindest dispensations of unostentatious benevolence.

New York, said Mr. S., has been politically afflicted with evils, which showed the wisdom of her system of voting. It is well known that the power of the old Council of Appointment had operated as a dreadful engine of mischief to the independence and character of the State. The effect of that mode of appointment had been, at times, since the formation of the Government, to, virtually, concentrate the whole patronage of the State in the hands of an individual. It required no stretch of imagination to perceive the pernicious evils which such a political system naturally engendered. In practice, it had naturally tended to introduce into the State the corruption which usually accompanies the concentration of enormous patronage in the hands of a few men. The tenure of every valuable office in the State, except the judges, was at the will of the favorite leaders of the majority. These, said Mr. S., are unwelcome truths. It gave him no pleasure to state them; but they were the illustrations of evils, which had produced a lamentable effect on the purity of elections in that State. Mr. S. said, that it was unnecessary to state the effect of the political dependence which such a system had produced. The ballot boxes afforded the only check to its worst consequences. But even that remedy had scarcely been powerful enough to control the enormous strength of the State patronage. When the House considered how valuable, under all circumstances, the preservation of the system was to the fair exercise of the right of suffrage in that State, he trusted that they would be disposed to exercise a liberal discretion in the support of her regulations for the prevention of frauds, and the protection of her own voters from oppression, under any form or pretext whatever; that, in the case now before them, they would reject, as lawless, the double ballots, and refuse to allow to the sitting member the obliterated vote, a vote which probably was rejected at the canvass, with at least the silent approbation of those most directly interested in claiming its allowance.

Mr. Gazlay, of Ohio, said he rose to advocate the amendment, and to oppose the resolution. He did so, because he believed that the latter would be a violation of sound principles, and most mischievous in practice. He supposed that the committee had offered all the reasons which could well be offered in favor of the resolution, and that, if these were not sound, the resolution ought not to be adopted. He would beg leave to refer to the report of the committee for these reasons—[Mr. G. here read the report as far as it respected the erased vote.]—The committee seem to take three positions: first, that the decision of the board of inspectors ought to be binding; second, that it would be impossible to come to a deliberate conclusion without the evidence the board had; that no evidence can now be obtained. He thought this House were the Constitutional judges of the election of its members when contested, and that, to say they should be bound by any determination of a board of inspectors, would be to take away at once any power to deliberate on this or any other case of the kind. It was, perhaps, with a view to reverse decisions of such boards, when improperly made, and not to enforce them, that the Constitution vested a revising power in this House. He could never agree to the proposition that this, which is an appellate tribunal of the last resort, should be precluded by the determination of an inferior one, who have no rule which is not subjected to, and frequently countervailed by, the violent heats and political dissensions which the gentleman from New York has referred to. If we affirm their decisions to-day, we are bound to affirm them at another time.

There are, in the State of New York, more than five hundred boards of inspection. If we are bound to adopt the decision of one, we are bound to adopt those of all, and this has never been the practice of this House, as he, Mr. G., understood it, but quite the contrary. He presumed the present case must be determined on the evidence, and not on the decision of the board of New York. But, in the two last propositions, we are told that it is impossible to come to a deliberate conclusion, without the evidence which the board possessed, and that this evidence we cannot now obtain; and yet, without evidence, in a case where it is said to be impossible to come to any deliberate conclusion, we are called upon, not only to deliberate, but to exercise our power in turning one member from his seat, and, not content with this, we are to take upon ourselves to determine the will of forty thousand citizens as to the admission of another. Can we, dare we, exercise such high powers, in a case where there is no evidence, and when we can come to no deliberate conclusion; for this is the language of the report. Mr. G. said, he regarded the precedent about to be established, and what after times would say of it, that we were about to make a law in a case where there was none. With this report before them, what must any future House say of the decision, if the resolution were adopted? Whatever might be the final determination of the House, he trusted this report could not be sanctioned. It would be a discredit to the annals of our legislation.

Many observations had been made by gentlemen in support of the resolution. Some had likened it to a bond with an erasure; others said it was correct to test it by the ordinary occurrences of life, as an erasure in a letter or correspondence. Mr. G. said, he did not see the parallel. In a letter or bond, if there were an erasure, the sense must be made out by the context or body of the writing. Here there was nothing to help out the sense or meaning of the party; it was a single word. But gentlemen seemed also bent on the determination of this case by legal rules, and called boldly on those holding the negative to prove what they assert. Mr. G. said he had always understood that those who maintain the affirmative must bring their proof. This rule, he said, was not only applicable to courts, but to all deliberative bodies. The vote in question was duly delivered, and duly received; it was plain and legible, and the supporters of the resolution contend that it was intended for a blank vote; and must they not prove that fact? and until it be proved, what right has this House to say it was a blank?

But, said Mr. G., what will be the consequences if this House declare that a vote, with a mark on it, shall be taken as a blank vote? We have learned of the gentleman from New York, who opened this debate, that his State is rent with violent factions, and that men, with principles and intentions not the most pure, exercise great influence at the polls. These men will find, in our decision, a powerful auxiliary to their deceitful schemes. They can, with all imaginable ease, draw a pen over all the names they oppose. It may or may not be seen; the voters are not likely to know any thing of our decision; while they know nothing of their own law, as the gentleman has demonstrated; and thus they will vote a blank ticket, and be defrauded of their elective franchise. Mr. G. said, he thought the safe rule, and the only safe one, was, to admit and count all legible votes, and that no evil consequences would flow from this rule, but such would flow from the one contended for by the supporters of the resolution as reported. And for these reasons, he should vote for the amendment. He was fully persuaded that it was best and safest, in all doubtful cases, to send the contendants back to the people, the Constitutional and most fit tribunal to decide.

Mr. CLARK, of New York, said, after such a full discussion, he was sorry to trouble the House with any further, and nothing but a sense of duty would induce him to make any remarks on a subject already exhausted by argument. He said, he had the misfortune to differ with a majority of the House on what he considered the main point in the question. He was of opinion that Mr. Wilson was entitled to his seat. He concurred with his honorable colleague in the sentiment that the House ought to consider this question in the same manner as if they were sitting as a court to decide upon the rights of two individuals. And he would ask whether any member of the House was prepared to say, absolutely, from the evidence before them, that a fraud had been committed. The question was not whether it was possible or even probable that two ballots had been put into the box by one elector, but it was, whether such a fact appeared clear and beyond any doubt. It was a well established rule, that fraud should never be presumed but upon the most conclusive and positive testimony. This testimony, in his opinion, was not of that kind. Mr. C. then adverted to the evidence, that the ballots were found in the boxes, with the edges folded out, and in such a manner as they might easily have slipped together. He said, if the number of ballots in the boxes had agreed with the number of names taken down by the clerks, no suspicion of fraud would have attached. He appealed to his colleagues, whether any thing was more common in that State than for the number of votes in the boxes to exceed the number of names taken by the clerks. The reason was obvious. In the towns there were from three to eight hundred voters, much the greater number of them voted on the third day, in the afternoon—from fifteen to twenty officers had to be voted for. These votes were put into several distinct boxes, and, in the hurry and crowd, persons very frequently voted, whose names were not taken down. For himself, Mr. C. said, he thought it much more probable that such an error was committed, than that two pieces of paper, folded as these were, could have passed through the hands of the inspectors without detection. Again, said Mr. C., the law making double ballots void, has existed, in New York, for a series of years. No law was more generally known to every citizen of that State than this. That any person, then, should put in such a vote, knowing that the very object he would seem to have in view would be defeated by it, was to him extremely improbable, and nothing short of conclusive evidence would convince him of a fact so unlikely to happen.

But, said Mr. C., if the ground be conceded that these votes were fraudulent, and could not be allowed, and even if the vote with the erasure be thrown out of the question, still, however, the petitioner would not be entitled to a seat. On looking over the Journals of the House, Mr. C. said, he found a case in point, the correctness of which, he trusted, would not be questioned by any one. He referred to the case of Scott and Easton. Mr. Scott was returned to this House with a majority of fifteen votes, certified in his favor, over Mr. Easton, who claimed a seat, on the ground that a part of the votes given for Scott were irregularly received, and could not be allowed. This House considered them so irregular, that they vacated the seat of Mr. Scott, and, on determining whether Mr. Easton should have a seat, they said, as it appeared evident to them that a majority of his district did not mean that he should represent them, they would send him back, also, to the people, for another election. Apply that case, said Mr. C., to the one before us. The gentlemen on the other side will concede, that if the double votes were counted single, Mr. Wilson would have a majority; and though they cannot be so allowed, yet they mark the wishes of the electors, and leave the petitioner unsupported by the wishes of a plurality of the voters of his district. He cannot, therefore, have his seat, without breaking down the principle settled in the case of Scott and Easton. But, said Mr. C., conceding this point also, the petitioner could not claim his seat, unless they could also come to what he considered the dangerous conclusion of saying that this vote, called the erased vote, meant nothing, and was put into the box without any apparent motive. For himself, he could not come to so strange a conclusion. He was always for ascribing to human beings rational motives; and he would rather say, that the partial erasure happened through accident, or fraud practised on the elector. Mr. C. said he differed very materially from his honorable colleague, (Mr. Storrs,) on the motives that actuated electors. He would not pretend to say that the electors in the particular section of the State where gentlemen lived, might not go to the polls under a slavish fear of creditors and wealthy landholders, though he had always understood it otherwise. But he could say with certainty, that in every part of the State where he had been acquainted, men exercised this proud prerogative free and uncontrolled. In general, no people on earth were more tenacious of their rights, or adhered to them more strenuously. It was due to the electors of that State to say, that if any man should attempt to make use of coercive means to bear upon the elections, he would be sure to lose whatever influence he previously possessed. Men having power in their hands were ever distrusted, and they, above all others, ought to be careful; for their weight in the elections was guarded against by a general watchfulness of the people. He admitted that a company in Europe owned a large and fertile tract of land in the western part of the State, on which settlers lived, many of whom were indebted to them; but that company neither knew nor cared any more about the political divisions of New York than the Emperor of Morocco. Their agents had but one object in view; it was to procure settlers upon the tract, and nothing would be as likely to check settlement as any attempt to control the minds of electors. It was the first time he ever heard of any unwarrantable interference from that quarter, and he must now believe his colleague, on that point, in a gross error. Mr. C. said he had not expected such illiberal sentiments against the people he had the honor, in part, to represent, from such a source. He was sorry to see them in any quarter, because he believed them unjust and unfounded.

Mr. Storrs and Mr. Wood replied to the remarks of Mr. Clark.

Mr. Clark again, in answer to Mr. Storrs, denied that any opulent individuals had ever controlled elections in any part of his district. He said his colleague was mistaken, in supposing that any member of this House was either the owner or agent of any considerable quantity of land in Chenango county. He stated further, that no single individual there had the agency of, or owned, a whole township. But if such an event ever should happen, he trusted no slavish fear or spiritless obedience to the owner, would be found among the inhabitants.

Sir, said Mr. C., I feel myself bound to dissent from the opinion expressed by my honorable colleague, that the partisans of New York observe a servile, base acquiescence to the will of their leaders. It is true, sir, that our State has been divided into two political parties ever since the organization of their Government. Those parties continue down to the present time, but the great body of individuals are attached to them, because each thinks the side to which he belongs is pursuing the best interest of his country. It is from principle, then, sir, and not fear, that the parties of New York are kept up and supported. And he appealed to the experience of his colleague, whether the men who observed good faith towards their party and kept on a steady uniform course of principles, regardless of minor circumstances, were not the characters whose conduct in the other departments of life met with the most general approbation. True, said Mr. C., individuals may be found in the State who take the liberty of changing from one side to the other, and back again, as their fears or imaginary interests may point out; but this was not considered there as evidence of an independent mind, or great mental courage. On the contrary, motives of fear and a want of stability were generally attributed to them.

Thursday, January 8.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. **McLane**, from the same committee, reported a bill authorizing the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissions under the treaty with Spain, of the 22d of February, 1819; which was read twice, and committed to a Committee of the Whole.

Mr. **Rankin**, from the Committee on the Public Lands, to which was referred the letter from Samuel R. Overton, and Joseph M. White, reported a bill to extend the time limited for the settlement of private land claims in the Territory of Florida; which was read twice, and ordered to be engrossed, and read a third time on Monday next.

The House went into Committee of the Whole, on the report of the Committee of Claims, against the petition of Charles Minifie, (for interest on a certain balance heretofore allowed to him at the Treasury.)

Mr. **J. T. Johnson**, of Kentucky, moved to amend the report, by striking out the word "not," so as to reverse the report; and spoke in support of the amendment; which was opposed by Mr. **Williams**, of North Carolina, and Mr. **McCoy**.

The amendment was lost, and the report of the Committee of Claims was reported to the House, by the Committee of the Whole, without amendment, in which the House concurred.

DANIEL CARROLL.

The House went into Committee of the Whole, on the bill for the relief of Daniel Carroll of Duddington and others, (appropriating $1,555 for the expense of repairs made in the building rented by Congress in 1815–'16, after the conflagration of the Capitol, whose occupation of it rendered those repairs necessary. The alterations were not contemplated in the contract for rent, and the house had to be restored to its former situation, before the house could be again used by the proprietors.

A debate arose on the bill, which was opposed by Mr. **Cocke**, and Mr. **Sharpe**, and supported by Mr. **McCoy** and **Williams**, of North Carolina.

Mr. **Herrick** moved to lay the bill on the table; which motion was lost—ayes 70, noes 76. The question being on ordering the bill to a third reading, it was decided in the negative—ayes 74, noes 83. So the bill was rejected.

WILLIAM P. NIMMO.

The House went into Committee of the Whole, on the bill for the relief of William P. Nimmo.

Mr. **Whittlesey** moved to amend the bill by inserting the words "the representatives of" (Mr. Nimmo being dead;) which was agreed to.

The bill, (which appropriates $500 as compensation for the destruction of a building called the Pleasure House, on his estate, occupied as an outpost of the American troops, in the defence of Norfolk,) occasioned some debate, chiefly on the point of fact, whether the house was, at the time of its destruction, occupied by American troops, placed in it by the authority of the commanding officer of the station, and destroyed in immediate consequence of such occupation, or was destroyed from mere wantonness on the part of the enemy.

Messrs. **Whittlesey**, **Owen**, **Bassett**, and **Neale**, advocated, and Messrs. **Williams**, **Floyd**, and **Foot**, of Connecticut, opposed the bill. The question being taken on its passage to a third reading, it was decided in the affirmative—ayes 84, noes 64.

Friday, January 9.

Mr. **Strong**, from the Committee on the Public Lands, to which was referred, on the 12th and 22d ultimo, the memorial of the Mayor and Aldermen of the city of Mobile, and the proprietors of lots on the east side of Water-street, in said city, reported a bill granting certain lots of ground to the city of Mobile, and to certain individuals of said city; which bill was read twice, and committed to a Committee of the Whole.

Mr. **McCoy**, from the Committee of Claims, made a report on the petition of David Giffin and Samuel Hoag, accompanied by a bill for their relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Williams**, from the Committee of Claims, made a report on the petition of Hannah and Joseph Mins, accompanied by a bill for the relief of the representatives of Joseph Mins, deceased; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the executors of John B. Mebane to collect certain arrears of tax in the county of Chatham, and State of North Carolina; which was read twice, and committed to a Committee of the Whole.

Mr. **Whipple**, from the Committee on the Public Lands, made an unfavorable report on the petition of sundry inhabitants of the county of Monroe, in the Territory of Michigan; which report was read, and ordered to lie on the table.

Mr. **Sloane**, from the Committee of Elections, made a report on the memorial of Alfred H. Powell, contesting the seat of Jared Williams, one of the Representatives of the State of Virginia; which was read, and the resolution therein recommended was agreed to by the House, viz:

Resolved, That the memorialist have leave to withdraw his memorial and documents.

Mr. **Ross**, from the select committee appointed on the memorial of the legal representatives of John H. Piatt, deceased, made a report thereon, accompanied by a bill for the relief of the assignees and legal representatives of the said Piatt; which bill was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, made a report on the memorial of the Mayor and Corporation of the city of New York, in relation to Castle Clinton; which was read, and ordered to lie on the table.

Mr. Herrick moved for a reconsideration of the vote of yesterday rejecting the bill for the relief of Daniel Carroll, of Duddington, and others; which was carried—ayes 82, and the bill, on motion of of Mr. Herrick, was recommitted to the Committee of Claims.

On motion of Mr. Rankin, the Committee on Private Land Claims were directed to inquire into the expediency of confirming the claim of Woodson Wren to a tract of land, situated on the northeast side of the Bay of Biloxi, in the State of Mississippi.

The engrossed bill for the relief of William P. Nimmo was read the third time.

Some debate arose on its passage, (chiefly on the same grounds taken yesterday,) in which Messrs. Cocke, Sandford, and Warfield, opposed, and Mr. Rich advocated its passage. The bill, on motion of Mr. Warfield, was laid on the table.

The House went into Committee of the Whole, on the bill for the relief of Garrett Fountain; which was reported without amendment, and ordered to a third reading.

Mr. Webster gave notice, that, on Monday, the 19th January, he should call up the consideration of the resolution some time since submitted by him, on the subject of the Greeks.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives, of the 18th of December, 1823, requesting copies of all contracts for cannon, cannon shot, muskets, and other small arms, entered into since the 1st of January, 1827, I herewith transmit a report from the Department of the Navy, with other documents relating thereto.

JAMES MONROE.

Washington, *Jan.* 9, 1824.

The Message and documents were referred to the committee to which was referred, on the 7th instant, the Message of the President of the United States transmitting a similar report from the Department of War.

The Speaker laid before the House a communication from the Secretary of the Treasury, covering estimates of appropriation for the year 1824; which was referred to the Committee of Ways and Means.

THE PROPOSED NEW TARIFF.

Mr. Tod, from the Committee on Manufactures, to whom have been referred sundry petitions and memorials, praying for the adoption of measures calculated to afford encouragement and protection to the manufacturing interests of the country, reported a bill to amend the several acts for imposing duties on imports; which was read twice, and committed to the Committee of the Whole on the state of the Union.

The bill is as follows:

A Bill to amend the several acts for imposing duties on imports.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

First. On all manufactures of wool, or of which wool shall be a component part, a duty of thirty per centum, ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five; and after that time, a duty of thirty-three and one-third per centum ad valorem: *Provided,* That, from and after the said thirtieth day of June, one thousand eight hundred and twenty-four, all woollen cloths, or cloths of which wool shall be a component material, (excepting carpets and carpeting, blankets, flannels, baizes, and other unmilled woollen, and worsted or stuff goods,) the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than eighty cents per square yard, and shall, with such addition, be deemed and taken to have cost eighty cents per square yard, and shall be charged with duty accordingly: *And provided, also,* That all flannels and baizes, and all other unmilled woollen cloths, or cloths of which wool shall be a component material, excepting carpets and carpeting, and blankets, the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than forty cents per square yard, shall, with such addition, be taken and deemed to have cost forty cents per square yard, and shall be charged with duty accordingly.

Second. On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem: *Provided,* That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly; and all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly.

Third. On wool unmanufactured, a duty of twenty-five per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; afterwards a duty of thirty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-six; afterwards, a duty of forty per centum ad valorem until the first day of June, one thousand eight hundred and twenty-seven; and, after that time, a duty of fifty per centum ad valorem.

Fourth. On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided,* That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar, each, and shall be charged with duty accordingly.

Fifth. On printing types, on japanned wares of all kinds, on plated wares of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of those metals is a component material, a duty of twenty-five per centum ad valorem.

On bolting cloths, fifteen per centum ad valorem;

On hair cloth and hair seating, thirty per centum ad valorem;

On marble, and all manufactures of marble, thirty per centum ad valorem;

On all paper hangings, forty per centum ad valorem;

On coach laces, of cotton, or other material, thirty-five per centum ad valorem; on all other laces, twelve and-a-half per centum ad valorem;

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three and one-half cents, per pound;

On red or white lead, dry or ground in oil, four cents per pound;

On Brussels, Venetian, Turkey, and Wilton carpets and carpeting, fifty cents per square yard,

On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;

On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;

On hemp, two cents per pound;

On flax, three cents per pound;

On tarred cables and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack-thread, and seines, five cents per pound;

On Russia duck, per piece of fifty-two archeens, two dollars each piece;

On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece;

On cotton bagging, six cents per square yard;

On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, one dollar and twelve cents per hundred weight;

On round iron, or brazier's rods, three-sixteenths to eight-sixteenths of an inch diameter, inlcusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-iron, scroll-iron, or casement rods, three cents per pound;

On iron spikes, four cents per pound;

On iron nails, cut or wrought, five cents per pound;

On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;

On anvils and anchors, two cents per pound;

On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On mill cranks and mill irons, of wrought iron, four cents per pound;

On mill saws, one dollar and fifty cents each;

On cross-cut saws, one dollar each;

On whip saws, one dollar each;

On hand saws, twenty-five cents each;

On tenon saws, twenty cents each;

On broad axes, thirty cents each;

On other axes, twenty-five cents each;

On hatchets, fifteen cents each;

On adzes, twenty-five cents each;

On augers, not exceeding half an inch, two cents each; above that size, and not exceeding one inch, two and an half cents each; above an inch, and not exceeding one-and-a-half inches, three cents each; above that size, and not exceeding two-and-a-half inches, three and one-half cents each;

On blacksmiths' hammers and sledges, two-and-a-half cents per pound;

On claw hammers, for carpenters, five cents each;

On hoes, broad, twelve cents each;

On other hoes, ten cents each;

On shovels and tongs, of iron, thirty cents per pair;

On muskets, one dollar and fifty cents per stand;

On rifles, two dollars and fifty cents each;

On fowling and hunting pieces, single barrelled, four dollars each; double barrelled five dollars each;

On curriers' knives, forty cents each;

On cutting knives, twenty-five cents each;

On drawing-knives, twenty-five cents each;

On scythes, twenty-five cents each;

On sickles and reaping hooks, twelve cents each;

On spades and shovels, of iron or steel, twenty cents each;

On screws of iron, weighing twenty-five pounds or upwards, eight cents per pound;

On screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;

On vessels of cast iron, not otherwise specified, one-and-a-half cents per pound;

On all other castings of iron, not specified, one cent per pound;

On frying pans, twenty-five cents each;

On gridirons and griddles, twenty cents each;

On all vessels of copper, ten cents per pound;

On quills, prepared or manufactured, one dollar per thousand;

On slates and tiles, for building, half a cent each;

On black lead pencils, one dollar and fifty cents per groce;

On tallow, four cents per pound;

On tallow candles, five cents per pound;

On spermaceti candles, eight cents per pound;

On soap, four cents per pound;

On lard, three cents per pound;

On wheat, twenty-five cents per bushel;

On potatoes, ten cents per bushel;

On coal, six cents per heaped bushel;

On indigo, twenty-five cents per pound;

On corks, twelve cents per pound;

On linseed and hempseed oil, twenty-five cents per gallon;

On castor oil, forty cents per gallon;

On ale, beer, and porter, imported in bottles, twenty cents per gallon; imported otherwise than in bottles, fifteen cents per gallon;

On beef and pork, two cents per pound;

On butter, five cents per pound;

On vinegar, eight cents per gallon;

On alum, two dollars and fifty cents per hundred weight;

On refined saltpetre, three cents per pound;

On blue or Roman vitriol, four cents per pound;

On oil of vitriol, three cents per pound;

On Glauber salts, two cents per pound;

On Epsom salts, three cents per pound;

On camphor, crude, eight cents per pound;

On camphor, refined, twelve cents per pound;

On Prussian blue, ten cents per pound;

On copperas, two dollars per hundred weight;

On pepper, ten cents per pound;

On Cayenne pepper, fifteen cents per pound;

On pimento, eight cents per pound;

On Chinese cassia, ten cents per pound;

On cocoa, three cents per pound;

On chocolate, four cents per pound;

On currants and figs, three cents per pound;

On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;

On all other raisins, three cents per pound;

On filberts, three cents per pound;

On pine apples, two cents each;

On oranges, fifty cents per hundred;

On lemons, twenty-five cents per hundred;

On limes, ten cents per hundred;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet; and if above ten inches by twelve inches in size, four dollars per hundred square feet;

On black glass bottles, not exceeding the capacity of one quart, two dollars per groce; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce; over two quarts, and not exceeding one gallon, three dollars per groce;

On demijohns, twenty-five cents each;

On glass beads, fifty cents per pound;

On apothecaries' vials, of the capacity of four ounces, and less, one dollar per groce; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce;

On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

On all other articles of glass, two cents per pound, and, in addition thereto, an valorem duty of twenty per centum;

On folio and quarto post paper, of all kinds, twenty cents per pound;

On foolscap and all drawing and writing paper, seventeen cents per pound;

On printing, copper plate, and stainers' paper, ten cents per pound;

On sheathing paper, binders' and box boards, and wrapping paper of all kinds, three cents per pound;

On all other paper, fifteen cents per pound;

A duty of twelve and a half per centum ad valorem on all articles not herein specified, and now paying a duty of seven per centum ad valorem;

On all foreign distilled spirits, fifteen per centum upon the duties now imposed, by law, and in addition thereto.

Sec. 2. *And be it further enacted,* That, in all cases whatsoever, all articles composed or mixed of various materials, shall pay the highest duty to which articles manufactured from any such materials are subject.

Sec. 3. *And be it further enacted,* That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, to the duties on all goods, wares, and merchandise, hereinbefore mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the importation of similar articles, may be given or allowed in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured; which shall be calculated and ascertained under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe.

Sec. 4. *And be it further enacted,* That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels not of the United States: *Provided,* That this addition shall not be applied to articles imported in ships or vessels not of the United States, entitled by treaty or by any act of Congress to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

Sec. 5. *And be it further enacted,* That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

Sec. 6. *And be it further enacted,* That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into candles or soap, by, for, or on account of, the person or persons importing the same, upon the exportation thereof within nine months after the said importation, and in the manner prescribed by the act, entitled "An act to allow drawback of duties on spirits distilled, and sugar refined, within the United States, and for other purposes," so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Sec. 7. *And be it further enacted,* That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and reenacted by, this act.

RELIEF OF SARAH PERRY.

The House resolved itself into a Committee of the Whole, Mr. TAYLOR in the Chair, on the following bill:

A Bill for the relief of Sarah Perry, mother of the late Oliver H. Perry.

Be it enacted, &c., That there shall be allowed, and paid, to Sarah Perry, mother of Oliver Hazard Perry, late a Captain in the Navy of the United States, a pension, or annuity, of three hundred dollars per annum, payable half yearly, from and after the passage of this act, for and during the term of her natural life, out of any money in the Treasury not otherwise appropriated.

Mr. FULLER, of Massachusetts, stated the facts of the case for which the bill was intended to provide. The House were all in the remembrance of the victory obtained on Lake Erie, in 1813, its brilliant circumstances, and its important results. When the death of the gallant officer, who achieved that victory, became known to Congress, in the year 1819, a bill was introduced, and promptly passed, which made provision for the support of his wife and children. For some reason, to Mr. F. unknown, the name of his mother was not inserted in the bill, and she had remained entirely dependent on one of her sons, now no more, who supported her as long as he lived. A second son, who was a Lieutenant in the Navy, continued her support after the death of his brother; but, three years since, was lost at sea by an accident with which the House were all acquainted. It was then that application was made by Mrs. Perry, whose last dependence was taken from her, for public support. A bill was last year brought into the House for her relief, but, from pressure of business, or some other cause, had been neglected to be acted upon. The present bill had the same object. It proposed but a slender support, and the object of its provision was far advanced in years. He trusted the bill would pass without opposition.

Mr. HAMILTON, of South Carolina, asked for the reading of the memorial of Mrs. Perry, which being completed—

Mr. HAMILTON rose and addressed the House to the following effect:

I hold it, sir, as a position not to be controverted, that a country or government is quite as much bound, by the obligations of gratitude, as an individual. That these obligations result from great and extraordinary benefits conferred on the commonwealth, producing claims which it is the province of a just and enlightened nation to canvass and appreciate. And further, that, in a republic like ours, where we give nothing to pride and luxury, these claims, involving a pecuniary bounty, are to be considered in reference to the extent and character of the services on which they are founded; the ability of the Government to discharge them; the existence of absolute want of the party to be relieved, and that the relief itself be controlled by the practice and maxims of a wise and judicious frugality. It is under these principles, which I regard as altogether axiomatic in the polity of every civilized government, that I propose to bring the case of Mrs. Perry.

The claims of this lady are founded on the exalted services of her son, Oliver Hazard Perry, who, in the hour of "your utmost need," won for you a victory of vast and inestimable importance. On this claim a peculiar and emphatic strength is conferred, by the fact that your hero did not more entirely owe his life to his mother who gave him birth, than he did those great qualities of soul which enabled him to achieve that incomparable exploit with which he has enriched the renown of his country. If the virtues of the Gracchi are to be attributed to the lofty sentiments with which the daughter of Scipio Africanus imbued their minds, the moral power of Perry is as truly to be traced to the enlightened instruction of his mother, who, by the course she pursued in his education, seems to have had an early presentiment of the rich fruits which would reward her maternal labors. For such a task this lady was eminently qualified. To a vigorous and cultivated intellect, she unites, in as high a degree as any one I have ever known, a refined sense of every thing that is truly elevated and great in human action. A love for true glory, a contempt of death and danger, an ambition controlled by an exalted patriotism, and a magnanimity partaking of all the generous and noble sympathies of our nature, were the lessons she successfully and incessantly impressed on the mind of her son. I speak with the confidence of one having a personal knowledge of these facts. And I undertake to say that the triumphant defeat of your enemies in the engagement of the 10th of September, when you most wanted the moral effect of victory, is essentially to be attributed to her who is now the object of your charity—to her who cast your hero in a perfect mould of heroism—who girded on his sword, and bid him go forth and conquer.

But I will now, sir, state a circumstance in which the coldest calculation of profit and loss will perceive some justice in her claim.

After the achievement which has rendered the name of Perry so memorable, it was the misfortune of his mother, by the loss of her husband, to be reduced to a situation of difficulty and distress. Her son, with a filial devotion which invariably distinguished him, immediately appropriated a portion of his pay to the support of his parent and her then unprovided younger children. This sacred annuity was paid with the most exact punctuality, until the death of her son. On the circumstances of his death it is unnecessary to dwell. They belong to a mournful portion of our history. It is enough for my purpose, to say, that he died in your service, in the performance of duties which you confided to him; and if he had not been commissioned to bear your flag to a distant and insalubrious clime, it is not probable that you would now be discussing this subject.

This pecuniary loss you are bound to make up to his mother, on every principle of justice, laying aside, altogether, the considerations of gratitude. Nor is the force of this claim in any degree impaired by the fact of his not having died in battle. Your Government sent him, in the month of August, to the pestilential banks of the Oronoco, in the performance of important naval and diplomatic functions, where he encountered perils greater and far more loathsome than the hostility of the enemies of his country. These claims of his thrice widowed mother ought not to be destroyed, because her gallant son yielded up his spirit to the ravages of an odious disease, unsolaced by those consolations which would have soothed his last pang, if he had died in the battles of his country.

I come now, sir, to the events posterior to the death of Commodore Perry, which have a direct relation to the impulse which was given to public opinion, as to the solemn obligation which rested on his country to make provision for the surviving objects of his solicitude and affection. It is one of the few events of my life, of which I have just occasion to be proud, that, in the Legislature of my native State, in December, 1819, I moved a series of resolutions, requesting our delegation warmly to co-operate in any measures that might be introduced in Congress, calculated to testify the gratitude of the country to the memory of Commodore Perry. These resolutions, having a direct reference to the subject before you, were unanimously adopted by the Legislature of a State second to none in its ardent devotion to a stern, orthodox republican creed. The most propitious circumstance attending this impulse from South Carolina was, that the measure was in contemporary accord with the views of a gentleman (Mr. Randolph) now on this floor, who, to an object so patriotic, pure, and grateful, lent the persuasive energy of his eloquence. This gentleman induced the House to adopt a resolution for the appointment of a select committee, to whom was confided the duty of inquiring what provision, comporting with the gratitude of the country, it behooved Congress to make for the family of Commodore Perry. To one, now no more, (my lamented predecessor,) who was a member of this committee, the virtues of whose noble heart were enthusiastically devoted to the subjects of its labors, I am indebted, for a knowledge of the principle by which the committee were governed, in reporting the bill on this subject, on the 28th of February, 1820. This committee, justly regarding the great and eminent services of Commodore Perry, and the indigent situation in which he had left his mother, and immediate family, thought it would not be going beyond the gratitude of the country, and the wants of the individuals to be relieved, that one-half of his full pay and emoluments as a post captain in the Navy of the United States, should be divided between them during certain periods, and on certain contingencies. The very first clause in this bill made a separate and distinct provision for his mother, precisely to the amount of the pecuniary allowance of the bill on your table. When, however, this measure was to be acted upon, some of its friends, from a fear lest the whole bill might be lost, in contending for too much, consented to the erasure of this most pious and beautiful feature in the bill; one, the most strongly indicative of the feeling and considerate gratitude of the country. The gentleman from Virginia, (Mr. Randolph,) who was chairman of this committee, yielded to this alteration, more, I have understood, from considerations of policy, than from a conviction of its propriety. [Mr. Randolph here said that he assured the gentleman from South Carolina that he had never yielded this point.] I feel myself strengthened by the declaration of the gentleman, and that I am authorized to say that he has never surrendered his opinion that the mother of your hero has yet an uncancelled claim on your gratitude and justice. I feel that I have a right to appeal to the opinions of this gentleman; for among those who have been distinguished in the parliamentary history of your country, he is the last man who can be accused of ever having advocated a wasteful and unnecessary expenditure of your treasure.

I have preferred, sir, in the narrative I have given you, even the risk of being tediously minute, rather than that a single circumstance should be omitted, calculated to give you a full view of Mrs. Perry's situation. Her claim now recurs with all its original force, and may be said to carry a species of moral interest from its postponement.

Let us now inquire whether this claim does not come fully within the scope of the principle with which I set out. Does not this lady stand in the light of a benefactress to her country? Did she not nourish, at her bosom, a man who did you a vast and countless service? Did she not instil into his soul those moral elements which fitted him for conquest—that longing after immortality—that shining and transcendent valor—that refined and exalted chivalry, which give an indescribable charm to his whole character?

I fear, sir, if these questions are answered coldly, even in the affirmative, amidst the agitation of many topics, odious in their character, and pernicious in their discussion, we have forgotten a part of what we owe to the hero of Lake Erie. Is it an unreasonable trespass upon your time to ask you to go back with me for one moment to that period when the victory of the 10th of September flashed from one end of this Union to the other, with a bright and cheering lustre, chasing back to the regions of eternal night the clouds and darkness which once seemed to have rested on your destiny, and, in the light of its glory, giving new ardor to valor, fresh hopes and confidence to patriotism? There was not a heart, among seven millions of freemen, amidst all the distractions of party, to which it did not bring gladness and exultation: for the victory was perfect in its kind. It was complete, to entire, sweeping and overwhelming subjugation. It gave security to fifteen hundred miles of your frontier, and the blow which went home to the pride of your foe, palsied the uplifted arm of his savage ally, and the tomahawk fell harmless to the earth. Amidst these events, your hero stands forth in high and resplendent relief. But let me not spoil the moral grandeur of a scene which belongs, by the joint destiny of glory and genius, to the pencil of some future artist who shall be worthy of his theme, in feeling, in full force, all its matchless sublimity. Let his canvass, then, breathe with all the animations of life, and glories of art. To him be confided the task of representing your hero in the midst of a carnage unexampled in the annals of modern warfare, carrying victoriously the tactics of Rodney to a dazzling excess, never contemplated by that hardy veteran in the intensity of his valor.

There are, Mr. Chairman, some posthumous claims of gratitude which survive the individual, and remain on this side of the grave. It is when the object of our gratitude is removed beyond the reach of our kindness, that the just and enlightened instinct of this noblest sentiment of our nature induces us to go forth and seek for those our benefactor loved best, and on them to lavish the tributes of this consecrated obligation. No stone, erected by his country, marks even the spot where the remains of our gallant countryman are mouldering into "a cold clod of the valley;" but this pittance, poor as it is, which is asked for his parent, will be more consoling to his manes than monumental glories, in which the genius of Chantry and Canova might contend for mastery. Death has not paid the obligations of gratitude you owe your hero. They survive in the person of the venerable being who gave him birth. The force of this truth it is in vain for you to escape. It is but a cold and heartless sophistry, which attempts to discriminate between the gratitude of a country or government, and that which becomes an individual. They are obligations of equivalent authority, and rest upon the soundness of the same principle.

Let us now, sir, inquire, whether the proposed annuity of three hundred dollars to Mrs. Perry is not fully within that frugality which ought to govern our bounty. Does this sum allow for any thing more than the absolute sustenance of life? Do you give, in such an amount, one farthing to pride or luxury? Let me next ask, whether the payment of this sum is within your ability? On this point I am admonished into silence by the ridicule which would await such a discussion. Nor will I permit you to plead economy, when I see so little of it employed in matters which have a personal reference to yourselves, and in objects over which we have a direct control. The testimonies of your extravagance are about me. The cost of one of those columns which uphold the dome of this cheerless waste of magnificence, would provide a fund, the interest of which would support the parent of our hero during the remnant of her life; and all the expense of the proposed annuity would twice over be paid, during its utmost duration, from the amount which we annually pay out of the public Treasury for newspapers. Precedents of self-gratification, it seems, are never dangerous. But, in bestowing a pittance on the mother of your gallant benefactor, there may be something superlatively perilous in the example. Let me not be told that you have already done enough in providing for the widow and children of Commodore Perry. I say, in this you have done nobly; but something yet remains to complete your benefaction, to which you are urged by the strongest claims: for the situation of his mother is equally as exigent, to say the least of it, as that of his wife and children; and the relations of the one, to the object of your gratitude, are quite as proximate as those of the other.

I believe, sir, that I have but one more topic on which it is indispensably necessary to say a word; and that is, as to the wants of Mrs. Perry. On this point, I can assure those who would never dispense your bounty except in cases of absolute necessity, that she is quite poor enough to satisfy all their scruples. But I do not think it becomes either the occasion, or the memory of the individual to whom this donation to his mother would be a precious tribute, to institute a sort of commission of pauperism to ascertain the precise condition of her poverty. I will not invade the sanctuary of her domestic fireside, or insult her misfortunes at the price of your favor. Nor will I pronounce so great a libel on her surviving children, however slender may be their means, as to insinuate that she must starve, but for the interposition of your bounty.

Sir, an enlightened gratitude, governed by a frugal bestowment of public rewards, in a manner consonant both to the purposes of justice and humanity, is one of the eminent duties which a Republic has to perform towards those who have been a blessing and honor to their country. I am happy to avail myself of the authority of a great man, who looked far into the philosophy of human things, and had the most impressive mode of illustrating them: "No man," says he, "knows, when 'he cuts off the incitements to a virtuous ambition, 'and the just rewards of public service, what infi'nite mischief he may do his country, through all 'generations. Such saving to the public may 'prove the worst mode of robbing it." I shall be told, probably, that the fame of great achievements is a part of their just reward. This is true, and true to an extent which I am happy to allow. Over this the niggardly grasp of contemporary injustice has no power; for it may be said of these achievements, as it has been beautifully said, in reference to another subject, that their "price is immortality, and posterity will pay it." Something may be urged as to the danger of the precedent, should you grant this annuity to Mrs. Perry. If, therefore, you are fearful that an individual act of benevolence, gratitude, and justice, should have the authority of a dangerous general rule, let it now be distinctly understood, that this lady receives this donation because she is the mother of that hero who captured for you an entire fleet. Thus modified, I confess I see no great danger in the precedent. I should presume the oftener it could be successfully quoted for your consideration, the better it would be for your fortunes, more especially in time of war. But, if you desire to exclude altogether the use of the precedent, by a species of physical as well as moral necessity, then say at once that you give this pittance because her son defeated the enemy of his country in the first regular fleet engagement which we ever fought, and the case stands alone, and must do so, to the end of time. But I feel that this anticipated cavilling is unworthy of my subject. I make my appeal at once to higher considerations than those connected with this mere special pleading.

There is, sir, a mournful vicissitude in the concerns of this world. I recollect that, soon after this Hall began to be raised from the ruin in which the vandalism of our enemy had involved it, in walking around its then naked walls, with the lamented Perry, in the partial fondness of his friendship, he was pleased to express a belief, that I would one day have the privilege of being heard on this floor. How little did I think that the first word I was destined to utter, in this place, would be in preferring a petition for bread, in behalf of his unfortunate parent, struck down and impoverished by that calamity which has filled his country with sadness and dismay. But, if she is fated to be repulsed in this application to your charity, or justice, call it what you will, I shall feel that something yet is to be added to this melancholy incident, to complete its moral. That the cup of sorrow has not yet been emptied of its last drop. If, by your vote, you are about to tell her to knock at that door, but to go elsewhere for bread, I trust in God that the spirits of the blessed, by his merciful providence, are kept in blissful ignorance of the strife and vanities of this wretched sphere: that, between us and those bright mansions of eternal rest, there is the thick vale and shadow of death, which no human voice can pierce; and that it is not permitted to my gallant friend to witness this humble effort which I have made for his bereaved parent—this poor tribute which I have flung upon his grave.

Mr. Henry, of Kentucky, said he did not rise with the hope of emulating the thrilling and persuasive eloquence of the honorable gentleman from South Carolina. He was far, very far, from proposing to himself, an effort so vain, so unavailing. It would be his endeavor to present to the Committee a few plain considerations, proving, as he conceived, that the provision contemplated by this bill was strictly compatible with the established practice and the sound policy of the Government. I shall assume, said he, as the foundation of the remarks I intend to submit, that the principle on which the present application rests, has been already settled in the act passed by a former Congress, making provision for the wife and children of the lamented Perry. What was the inducement to the passage of that act? Was it not because the deceased hero was endeared to the nation by his eminent services; and because, by his untimely death, his wife and his little ones, the principal sufferers by an affliction which covered our land with mourning, were deprived of the means of decent subsistence? Why should the aged and venerable mother of the deceased be excluded from the benefit of a similar provision? Was she less deeply affected by the tidings of his death? Who can adequately conceive the anguish of a mother who mourns for her first born? Must she be excluded because she was not the object of his tender regard, as well as his wife and his children; or because the obligation on his part to maintain her in decency and comfort was less sacred, less imperishable? The tie which binds the parent to the child, and the child to the parent, as it is the eldest, so it is, also, the latest of human obligations. The sentiment which draws a son to a virtuous and exemplary mother, to whom he owes an immense debt of gratitude and duty, constitutes one of the noblest and most refined affections of the human heart. It begins with his being—he is nourished by her strength—"from lips that he loves" he learns the lessons of truth, of wisdom, and sincerity; and by her plastic hand, whilst his heart is yet soft and ductile, he is moulded to virtue, to manliness, and patriotism. Tell me not of the influence of learning and philosophy; or of the acknowledged authority of paternal example. These are indeed essential: they are capable of doing much. But, all these will be insufficient to make any man great, if the proper, the indispensable foundation be not laid in the nursery. I appeal to every honorable gentleman to recollect the infinite benefits he derives from the loveliest, the best, and most virtuous half of our species, and then to say, if he can, that the picture I have attempted to delineate is exaggerated. We have heard repeated allusions to the brilliant achievements and wonder-working example of the hero of Lake Erie. Has it never occurred to the Committee, that to the early training and correct discipline of the venerable lady whose name has been so often mentioned, he was indebted for the infusion of those principles, which bore him upwards in the path of life; and finally rendered his own name illustrious, and covered the annals of his country with a flood of glory!

As to the propriety of granting relief in this particular case, (the principle having been settled by the former act,) it appears to me there can be no doubt. The evidence on our table exhibits a case of extreme distress. The mother of Perry was in reality one of his family. That manly son regularly appropriated a portion of his own income to the support of his aged and infirm mother. That son is now no more; that appropriation is now withdrawn. The nation has adopted his beloved wife and children as the objects of their peculiar care, because they were dependent upon him for the means of subsistence. His mother was equally dependent on him. The example of the son strongly indicates to the nation the propriety of extending to her that assistance which she has lost by his death. The principle which is asserted by this bill is not assailable on the score of profusion; it addresses itself to the justice of the nation. I am greatly mistaken if it is not founded in magnanimous and long-sighted economy. Convince the brave man who goes forth to battle that his country will step in to the relief of those who are left destitute by his death, and his soul rises superior to all the dangers that surround him. Convince him that the dear objects of his affections will be cherished and provided for by that Government for whose principles he is about to offer up his life, and you render him invincible. As a general principle, it seems to me, no position can be more defensible; and I can as yet perceive no good reason why it should not be applied to the case now under consideration.

Mr. WICKLIFFE, of Kentucky, being so unfortunate as to differ in opinion from the gentlemen who had addressed the House in favor of this bill, by way of trying the strength of the House on the subject, moved to strike out the enacting clause of the bill, (in effect to reject it.) Mr. W. said, he felt, and sensibly felt, the force of the remarks which had been so eloquently made by the gentleman from South Carolina, on the subject, founded on the merits of the hero whose mother was to be benefited by this bill. No one, he said, felt more sensibly than himself the obligations of the principle of gratitude, and on all occasions, as an individual, and in public life, he would acknowledge them; and it was with extreme regret that this individual case should be the first presented to him here, in which he found himself bound to yield to imperious duty the dictates of mere feeling. It was not a belief that the present applicant for the bounty of Congress was undeserving—not a disagreement in the sentiments as to her situation, which had been expressed by the two gentlemen who had spoken, that induced him to make this motion, but the principle that it is dangerous in a republican Government to extend the system of pensioning beyond the extent already recognised by this Government, and acted upon for the last forty years. I ask you, said he, if we begin thus to extend it, where shall we stop? This is a case possessing strong claims upon our sympathy, but it is not the only one of the same character. Is the victory of Commodore Perry the only one which has been achieved for our country? And if we are to go on to pension the mothers of our distinguished heroes, the pensions are not less due to the mothers of the honest men who carry knapsacks, than to those of the distinguished individuals who lead them into action. Shall we extend the bounty of the Government to the mothers of men who hold a distinguished rank in society, and when application is made in behalf of others who need it more, and are perhaps not less deserving, tell them we can extend our benevolence only to those who died in leading armies or squadrons to battle? Shall I be confined to any section of this country to point out instances of men who have died in service, leaving parents in an humble and suffering condition? If we are to adopt the principle of this bill in any case, said Mr. W., I should be for going the whole; let us pass a pension law providing for the support of the widowed mothers of all our deceased heroes. I am not for making these distinctions. Mr. W. said he did not, by his motion, design to express sentiments contrary to those which had been so feelingly expressed on this occasion, respecting the late Commodore Perry, because they were the sentiments of the nation, and we are all bound to acknowledge them, but to protest against a system, the extension of which must in time load the nation with a pension list beyond its means to support.

Mr. CADY, of New York, said that when this bill was brought up before the Committee, he did hope that it would pass by a unanimous vote. He had been one of the committee who reported it, and he regretted much to hear the objections which had fallen from the gentleman who had just sat down. For himself, he would go as far as any man in guarding the treasury of the country from unreasonable and improper claims; but, to the committee who reported this bill, the present appeared to be a claim of peculiar character. What we all owe to the lamented dead no man could be ignorant; the committee had turned their eyes to his aged mother; they found her naked and they proposed to clothe her; they found her hungry and they proposed to feed her. It had been their wish to smooth, in some small degree, her downward path to that bourne from whence no traveller returns. The sum they thought to give her was indeed small, but they had hoped it might be sufficient. She is now subsisting on the cold charity of the world; it was the purpose of the bill to rescue her from that dreary lot, and let her owe her subsistence for the few short years that remained, to the gratitude and liberality of her country.

Mr. COBB, of Georgia, then rose and said, he feared, after the eloquent appeals that had fallen from gentlemen on the opposite side of the House, that he should be heard with apathy, if not worse; but he could not but think that, in the discussion which the subject had received from the advocates of the bill, too great a range had been allowed to feeling, and not quite enough to cool, dispassionate judgment. In the internal policy of this country, no maxim was more fixed or more important than one which had been well expressed by one of our own statesmen, that an extensive pension list, under a free Republic was very inexpedient. We have laid down on this subject a principle to which it would be wise to adhere. When a soldier falls in battle, or is disabled by wounds while fighting for the country, his widow, if he dies, or himself, if he lives, shall receive support from the funds of the nation. But, when you once leave this simple and just rule of proceeding, where are you to stop? It may, perhaps, in some cases, be admissible to provide a temporary aid for the children of those who die in the field, but the idea that the nation is bound to support the widows, children and mothers of all who die in its service, is chimerical indeed. And yet it comes to this. For, if the mothers of those who die in the Navy are to be maintained, why not of those who die in the Army? If the mothers of officers of high rank, why not of subaltern officers? Nay, why not of the common soldier? He risks his life for the country as much, if not more, than his commander; so that even on the ground of feeling, the reasons for the bill entirely fail. Shall we not feel as much for the poor man as the rich? for the humble but patriotic soldier, as for his more elevated companion in arms? Mr. C. said he was in Congress when the bill for the support of the wife and children of Commodore Perry passed the House. It was known to all who were in the House at that time, that that bill had been advocated by two of the most distinguished men that ever sat in Congress—one of whom, (Mr. Lowndes,) now slumbered in the grave—the other was yet a member of the House. It was to the bursts of resistless eloquence which broke from the lips now still in death, that the passage of that bill was chiefly to be attributed; it was passed in a moment of enthusiasm; the news of the death of Commodore Perry had just reached the House, and feelings were excited which nothing could control. But this body ought not to be under the government of mere feeling when about to legislate; it must bridle its passions, and give reason opportunity to be heard. Some uniform rule ought to be established. Already the pension list of this young country is swelled to more than two millions. In fifty years, asked Mr. C., if we proceed as we have done, what will it be? He was seriously affected by the precedent it was now proposed to set. Mrs. Perry might be much distressed, and it was not disputed that her son had covered his country with glory. His merit was undisputed; and, he would say, it was unsurpassed, too, by any officer of his own grade. But what then? He could go over a long list of worthies, for whose families no provision had been made. There were, at this hour, hundreds of parents, to whom the country owed much, who were in the same circumstances with Mrs. Perry. One instance had recently been quoted on that floor, the case of Mrs. Denny. The thing was unavoidable. It was one of the fruits, the lamentable but necessary, fruits of war, in all ages and countries.

Mr. McDuffie, of South Carolina, next took the floor. He commenced his observations by saying that he should feel deep regret if, in the discharge of his public duty, as a member of this House, he should ever find the dictates of policy incompatible with the sentiments of gratitude and maxims of moral justice. But he was gratified to believe that that which the heart of every upright and honorable man would prompt him to do, was that which might be sustained, as the true policy of a Government, on the cool principles of reason, and by an appeal to the soundest dictates of practical wisdom. The present measure was an appeal to gratitude, founded on the principles of expediency. Did he not believe that this bill was founded on considerations of the most enlarged expediency, he would at once abandon the bill as indefensible. What, he asked, is the great object of a Government, in relation to the military and naval service, on which the honor and even the safety of the country so much depend? Without bravery, military renown, heroism, what is a nation? A multitude of individuals, little better than a rabble. Without national character, what are we? Can too high inducements be presented for the achievements of valor which serve to elevate, and even constitute that character? Can such achievements be estimated by money? They cannot. It was, therefore, he argued, the dictate of sound policy to pursue such a course as would foster the feelings and deeds upon which the honor and safety of the country depend.

Against these sound and self-evident views of national policy, views that were founded in the nature of man, what were the arguments urged? The danger of the precedent: if we pass this bill, it was said, we must, in justice, allow all similar claims, and where will it stop? To this argument, Mr. McD. said, he had a short answer. Let all claims of equal force with this claim be allowed in their fullest extent. That country, said Mr. McD., cannot be poor, which has many such claims to satisfy; rich, indeed, is that nation whose treasury is in danger of empoverishment by claims like this. The gentleman from Georgia has said that if we extend aid to the aged parents of our officers, we are also bound to do the same for our common soldiers. I do not, said Mr. McD., admit that position. This claim rests not simply on the fact of Mrs. Perry being the mother of Commodore Perry, but on the additional idea that she stood to him, when living, in the relation of a dependant on him for support: his bounty fed her. When he died, another son assumed the pious task: of his fate none of us are ignorant; he magnanimously sacrificed his life in an effort to save his comrade, and with his life her support was cut off. Replying to another part of Mr. Cobb's argument, Mr. McD. went on to say, there is a broad distinction between the case of a high-spirited and distinguished officer and that of a common soldier. The latter has duties of a far inferior kind, and is induced, in most cases, to enter on their performance from mercenary motives—he enters the service for his daily bread. Not so the officer. He chooses the profession for its own sake, and is tempted to the choice by the love of fame. The duties of a common soldier are performed if he fights bravely, stands at his post, and obeys orders; whilst the duties of the officer are of the most arduous character and of the highest national importance. And when a nation has in its service high-minded and chivalrous officers, it is her soundest policy to set them free from pecuniary anxiety. Mr. McD. said he could see no danger in the precedent, in this case. The services of the son, and the strict and entire dependence of the mother, formed a peculiarity in the case which prevented that danger. The mother was, in this respect, in the place of one of the children of the officer. To them the country becomes a father—why should it not become to her as a son? The extension of the pension list, by cases of parents in such circumstances, was not to be apprehended. The lady contemplated by this bill is far advanced in years—the pension, if granted, cannot long continue—the subject of its bounty must soon sleep in the grave. It was more safe to provide for the parents than for the children of our defenders; their number could never be formidable, nor the duration of their pensions long. He had said that there would be no danger in granting this aid—he would add, there would be danger in refusing it. It had been the hackneyed reproach against republics that they are ungrateful; for himself, he believed the charge was a false one, and he called on the House to prove that it was false. Republics ungrateful? A country dependent for its safety, for its very existence, on the services of its citizens, ungrateful for them? A republic was the last government that ought to cherish ingratitude; nor did he believe that a fair examination of antiquity would show such to be the fact: but, granting it was so, we were only the more imperiously called upon to repel such an imputation in our own case—to teach the world that a republic can as justly appreciate, and as liberally reward, the devotion of gallant men to the public service as the most despotic governments of the Old World. I should, said Mr. McD., have my affections for a republican government much impaired, if, in its maintenance, we must disregard the feelings of honor and the dictates of gratitude; but it is not so; every dictate of enlightened policy is in direct opposition to the sentiment. It cannot be unwise to do what the feelings of an honest and honorable man tell him he ought to do. Sitting in this House, said he, we represent the people of the United States; and I trust we shall not dishonor them. Need I ask, if this claim was presented to our constituents, what they would do? Suppose they were told that the services on which it rests were rendered to the nation when it was contending at a fearful odds with a hardy, powerful, and veteran enemy—when its spirits were sunk to the lowest point of depression, and every heart that loved it was oppressed with despondent foreboding—that it was at that moment that this hero reclaimed her from degradation, and poured a tide of exhilarating joy from one extremity of the country to the other; that he afterwards went, in the discharge of public duty, into all the dangers of a sickly clime, where he perished. They would turn their eyes to his mother, aged and tremulous, and tottering over the verge of the grave, and they would consider that this bill asks but for three hundred dollars a year to feed her, and to soothe her helpless age. Would they refuse to give it? To say so is to insult the American people—it is to offer outrage to the feelings of man. For himself, he was persuaded that, in all cases, feeling and honor were the best defence against false doctrine. We delude ourselves by sophisticating, said Mr. McD. We are drawn into error by adverting to the experience of other nations. Gentlemen had urged the overgrown pension list of Britain: but it was a false course of analogy to reason from the state of old European nations to our own circumstances, which were so widely different. Poverty was not there the ground of pensionary grants—so far from it, that they were every day bestowed on persons rolling in wealth and luxury because they happened to be related to those in power. With us it is far otherwise. Do gentlemen suppose that because we give in a peculiar and strongly marked case, we must, therefore, be so destitute of discretion as to have no power to stop? Have we not reason to guide us? Surely we are rational beings, and we are able to stop when we judge it proper to do so. Will gentlemen say to this House, "Don't do right to day, lest you should do wrong to-morrow?" In the present case, feeling and reason concur to establish the justice of the claim, and he called upon the House not to violate both by refusing this pittance to a poor, aged, dependent woman.

Mr. A. STEVENSON, of Virginia, next addressed the Committee; he had no intention, he said, when he came to the House, of participating in the discussion of this question; the debate had, however, assumed such an interesting character, that he felt himself urged by considerations of duty and feeling to ask the indulgence of the Committee for a few moments. Mr. S. said he had not anticipated any serious opposition to the bill; he had hoped it would have passed unanimously, and that the House (besides performing a sacred duty) would have been enabled, by the manner in which the application was met, to have soothed, in some measure, the afflictions and sorrow of this venerable lady, for the loss of her gallant son. He regretted that the gentlemen from Georgia and Kentucky should have felt it necessary, in the discharge of their duty, to oppose this bill, and that regret was occasioned by the character of their opposition. The Committee had been told that the precedent which they were about to set, in passing this bill, was one of alarming and dangerous character! That the policy of the Government demanded its rejection, and that there would be no limit to applications upon our bounty. Mr. S. denied that this would be the case—this was not an application to the bounty of the Government; nor was it an application to the cold-handed charity or generosity of the House. It was an appeal to the justice and gratitude of the nation! for there could not, he said, under Heaven, be a more just claim than that which was presented by a parent under the circumstances of this case. But was the House to be fettered by rules and precedents? For his part, he cared not for precedents. He thought it was only necessary to leave the decision to the justice of the House, and that precedents might be dispensed with. Surely, gentlemen were not afraid that precedents for conferring honor and gratitude on distinguished merit, would become too numerous! Nor did he regard the number of applications which might be made. He was prepared to give relief to all who were entitled to the justice and gratitude of the nation—gratitude for services could not be too much applauded. The generosity of our national character was dear to the people, and ought to be cherished by their representatives. He would place the aged parent, and especially the mother, by the side of the widow and the orphan—and he would do this, not only in relation to our gallant officers, but to the humblest man who should die in the service of the country. Mr. S. asked what principle of justice, or motive of policy was it that did not operate as strongly in the one case as in the other. If the object of Government in providing protection for the widow and orphan, be, to excite in your gallant defenders a spirit of emulation and patriotism, and to stimulate them to deeds of noble and daring character, why might we not expect the same result, in providing for the helpless and aged parent? Did gentlemen require that the feelings of the son were to be lost in those of the husband or father? Did they believe that all the moral considerations of filial attachment and affection, which influence the heart, and which dignify and adorn the human character, belonged not to the hero! There was a sacredness, Mr. S. said, in the feelings of a son towards an aged and venerable mother, which could not be expressed. It is the primeval bond of society, and the sacrament of our nature. What do you imagine would have been the feelings of the gallant Perry, whilst he was bearing your thunder in triumph on the mountain wave, if he had supposed that that country for whom he was prepared to offer up his life, would have suffered his aged mother to be thrown upon the cold charity of the world to beg for a precarious subsistence? What would the nation have said, after the battle of Erie, if the manner in which this application has been met to-day, had been then foretold? Almighty God! is it possible, that in this country, where triumph such pure and liberal principles, and where the character of man has been so exalted, the charge of national injustice and ingratitude is to be sustained? But, Mr. S. said, if he was wrong in placing the parent upon the same footing with the wife; yet, was this not a case which stood upon peculiar grounds, and claimed especially the justice and gratitude of the nation? Who was the applicant? The mother of five sons, who had devoted their all to their country, and two of whom had died in its service!—the mother of one of your noblest and most distinguished heroes—a man who exalted your national character, by the splendor of his victories and valor, and added to your arms imperishable honor! Let gentlemen cast back their eye to the history of the past war. Do they forget the difficulties under which it commenced, and the disasters which befel us? Roused from a long peace of thirty years, most of our Revolutionary heroes gone, without officers of experience, without military science or military establishments, a dark gloom pervaded the Union; it was the American navy (filled with our gallant and hardy sons of ocean) who first broke the gloom, and raised to its highest pitch the enthusiasm of the nation. Do gentlemen forget how soon they proved to the enemy that her soldiers were not invincible, nor her wooden walls invulnerable? Even England was forced to acknowledge their superiority, and Europe stood confounded. The battle of Lake Erie was then hailed as a victory, glorious and unparalleled in the history of nations. In its consequences it was almost unexampled. It swept from the enemy the labors of half a century, and destroyed the whole of her naval power upon the Lakes, (which rendered her in that quarter invulnerable,) and enabled her to wield, with powerful effect, the arm of the ruthless savage. It was Perry who achieved this victory; it was his valor which has rendered Lake Erie a monument of American glory, and made the name of your country respectable in every quarter of the world. And now, when the mother of this gallant chieftain (by whom she was supported) comes and demands, from the representatives of that country whom he has thus honored, bread, we are told to give her a stone. Economy and policy, too, we are told, require it, and the people expect it. Sir, said Mr. S., this is a slander upon the nation. Let those who oppose this bill, go back to their constituents and tell them what they have done; that they turned from their door, in the evening of a long life, the aged and venerable mother of the gallant Perry, and doomed her to the charity of the world; and if their conduct is not reproached, I can only say, that the people whom they represent are wholly unlike the generous and high-minded and honorable freemen whom I have the honor and pleasure to represent on this floor. Sir, said Mr. S., I call upon the House to pause, in the vote they are about to give; I conjure gentlemen, by every motive which can bind them to a correct discharge of duty—for the honor of the nation and its justice, not to reject this application; to let their mistaken notions of cold calculating policy perish in the blaze of more generous and better feeling, and, by unanimity, afford some comfort and consolation to the wretched parent of this gallant chief, and pour into her agonized bosom the balm of a nation's gratitude.

Mr. Clay (the Speaker) said he regretted extremely that the views which he entertained of this subject were such as would not allow him to accord with the gentlemen who supported the bill. If it were a question merely of feeling, he should probably accompany his assent to it with those eulogiums so eloquently bestowed upon the Victor of Lake Erie, and so justly merited. If the amount of money which the bill proposed to disburse was the only objection to it, he should not have offered any opposition; but it was the principle of the bill against which he protested, and he conjured gentlemen, before they gave their assent to this bill, to pause, lest, under the influence of the bursts of eloquence which had been heard to-day, they should be instrumental in establishing a principle which he believed to be pregnant with infinite mischief. The principle of the present system of pensions is, that, for the support of him who is disabled by wounds, or the family of him who falls in battle, provision shall be made from the Treasury. Commodore Perry neither fell, nor was he wounded, in battle. In the case of his wife and children, then, there had been already a departure from the principle of our pension list, and now a still further departure from it was proposed, in order to provide for another relative of the same officer. Mr. Clay called upon gentlemen not to suffer themselves to be led away from the true view of this question, by the seductive illusions of military or naval glory. Was there no service but the military or naval? Was there no instance, in civil service, of meritorious individuals dying whilst in the public employ, and leaving families, pining in want and overwhelmed in distress? Mr. C. here alluded to the case of a distinguished individual, (Mr. Gerry, it is supposed,) who, not many years ago, holding a high civil office, died literally in the discharge of his public duty, far advanced in years, and leaving a destitute family. That case, said he, is well remembered; and do we not all know that every species of relief or compensation was refused to his afflicted family? Mr. C. asked gentlemen to regard all services with an equal eye, and not make unjust discriminations. And, on the score of gratitude, he asked, is there to be no limit to the operation of that feeling on the public counsels? What, he asked further, is the basis of our present pension list? Gratitude. What is the basis upon which, in other countries, aristocracies are erected, and titles and honors showered on individuals, to be transmitted down to their remotest posterity, but the same principle? Mr. C. said he should not, however, have risen, but for some general observations on this subject, which had fallen from the gentleman from South Carolina, on national glory. If you wish to make your country illustrious, said Mr. C., you must diffuse your glory. It is not your heroes—God knows we have had enough of them within the last twenty years—every man now is a hero—it is not your heroes, but the body of the people, the men who fight your battles, to whom you are indebted for your safety and your eminence as a nation. But the gentleman from South Carolina, talking of the soldiers, says they fight for pay only, whilst their commanders fight for glory. Is this the case? Look, sir, at the battle of New Orleans, rendered more familiar to our memory by the very recent celebration of its anniversary; the militia who poured down the Mississippi upon the enemy, and met him step by step as he advanced, were they actuated by a mercenary principle? No, sir; far otherwise. Mr. C. went on to say, that he had ever been disposed, as far as possible, consistently with the public interest, to reward our successful commanders and illustrate their services; but the body of the people it is on whose virtue and valor we must depend for the preservation of our liberties. If, in awarding pensions Congress went one step beyond the principles already recognised, where would they stop? They must go on without limit, examining in detail the circumstances which constitute each particular claim preferred upon the public bounty, and measure it out accordingly. Under the present system, which allows pensions for death or disability incurred in the public service, we have a general rule which does not depend on circumstances, and may be safely applied. It is one which depends upon facts, and not upon eloquent appeals to the feelings, by yielding to which, principle might be disregarded. This was the danger to be apprehended from the precedent, should the present bill pass. What has become of him, said Mr. CLAY, who was second to Commodore Perry in his memorable conflict? He too has fallen, and his family, it is within the knowledge of some of us, is suffering from the want of the necessary means of aid. Turning to the State from which he came, where, Mr. C. asked, is the widow of Colonel White, born to splendid fortune, the whole of which was expended in the Revolutionary war? She is old, and in need of aid. I have, said he, a petition to present to this House from this venerable lady, making the most feeling appeal to Congress in her behalf; yet, in answering her letter, assuring her of the pleasure I should have in presenting her memorial to the House, I did not venture to hold out to her the most distant hope of success in her application. Look abroad, said Mr. C., in all the walks of life, and see how many indigent families there are of individuals who have rendered most distinguished services to their country. Shall we select the families of those who wore epaulettes on their shoulders and swords by their sides, for peculiar favor, whilst we leave to pine in penury the families of those who have spent their lives in civil service? Not, Mr. C. said, that he would extend the principle of pensions to civil life; but he would restrict it to its present limit, within which it is safe. There was nothing more insinuating than applications of this description. But, he said, look to what they had led in other countries. Look to the pension list of England, swelled to an amount enormously great. Nay, look to our own pension list, already amounting to nearly two millions of dollars annually. Let us not, said Mr. CLAY, surrender ourselves to the captivating eloquence which we have heard on this occasion, on all sides of the House; let us rather be influenced by reason, principle, and precedent. Let us put some limit to this principle of gratitude, however justly it has been extolled. When the honorable gentleman from South Carolina, now no more, first introduced a bill containing this provision, as well as the one which passed for the relief of the widow and children of Commodore Perry, I told the gentleman, said Mr. C., that we were going too far. When I appealed to his better judgment, and pointed out the fatal consequences of this precedent, he consented to strike out the provision for the mother. I hope we too shall, on this occasion, availing ourselves of his enlightened wisdom, pursue the course which it dictated to him, and refuse to pass this bill.

Mr. RANDOLPH, of Virginia, rose for the single purpose of asking the honorable gentleman who had just sat down how, upon his own principles, he reconciled his support of the bill making provision for the widow and children of Commodore Perry with his opposition to this bill? Whether the bill first mentioned was not the very departure from principle against which the gentleman has warned the House this morning?

Mr. CLAY said it was a departure from the general rule. But, having already departed from it, shall we make another and much wider departure? With regard to that bill, however, Mr. C. said, he had rendered it no special support, and he did not know whether or not he had voted upon it. It was a departure, but it was a safe departure when compared with that which was now proposed.

Mr. HAMILTON said that, in rising to reply to the gentleman from Kentucky, he could not but feel a foreboding how hopeless the attempt must be to break the spell of that eloquence for which, if he might so speak, this House had a sort of habitual deference and admiration. But he could not permit the objections which had been offered to the bill to pass entirely unnoticed. I wish, said Mr. H., the gentleman, before he had spoken hypothetically as to the danger of the precedent which would be afforded if you granted the proposed annuity to Mrs. Perry, had looked into your statute book, where he would find on record an act granting pensions to the four daughters of the Count de Grasse, a foreigner, who fought, it is true, in our battles, but who was nevertheless commissioned by a foreign Prince, to whom he may be said to have been a stipendiary. To grant pensions in these cases, and to refuse one in the instance before you, appears to involve a species of inconsistency and ingratitude which cannot but be regarded as altogether monstrous. The gentleman asks, triumphantly, where these cases are to end, as if there was always something painfully irksome in the discharge of these obligations. I hope, for the honor of my country, they may never end; for, so long as we are blessed with such achievements as the victory on Lake Erie, more especially in time of war, the country can never be poor, in any just sense of the term. I am also asked by him if there is no other instance of services of a similar character rendered to the country? I say, yes; and that, moreover, if the mother of McDonough were ever placed in a like situation of exigency and bereavement with the parent of your deceased hero, under the preliminary principles which I laid down in this discussion, I would, without hesitation, vote a similar annuity for her relief. The gentleman from Kentucky had been also pleased, Mr. H. said, (not with the intention, he presumed, but with the direct effect of flinging unnecessary prejudice on this appeal,) to recur to the pension list of England, to sustain him in his money-saving doctrine. But, until he could prove a verisimilitude between the form of that Government and our own, he would in no way be benefited by his reference. In Great Britain it was true that the stream of public bounty, instead of refreshing the legitimate departments of the public service, is diverted into channels into which it ought never to flow. There is a species of instinctive corruption in that Government; for, in order to preserve its artificial checks and balances, the ministry, by a perversion of the public rewards, are compelled in this way to secure an effective majority in Parliament. But, in a Government of responsibility like ours, where was the danger of these evils? They could never exist until our institutions were swept into ruin and oblivion.

The gentleman has also, said Mr. H., brought out, in its full, and, I presume, as he regards it, its fearful amount, the sum which we now pay on account of Revolutionary pensions. This, he says, has been swelled to two millions of dollars. And, sir, to whom is this sum paid? To the very men who won the whole fee simple of the estate out of which you pay this modicum in the way of a life interest—to those who gave you the splendid aggregate, and many of them at the price of their blood. But, the patriotic apprehension of the gentleman may be soothed by the consciousness that time is rapidly diminishing this sum which he contemplates with such appalling emotions. Yes, sir, said Mr. H., the moment is not far distant when not one of that venerable band will be left to tell us by their presence how much we owe them. It is then, when stung by a sense of ingratitude, we shall revive each long-forgotten testimony of high service and generous devotion. I wish, as the gentleman has spoken as to amounts somewhat with the precision of figures, that he had condescended to have opened an account current between the United States and our deceased hero, and have ascertained, in a pecuiary point of view, on which side the balance resides. He would have found that the munitions of war captured by Perry would three times over pay all the charges of his family, or those yet desired to be made on the Treasury of this country. The very bunting and spars he took from your enemy would pay this pittance to his mother.

Mr. Kremer, of Pennsylvania, now rose and said, he did not calculate that he was able to throw much new light on the subject; but he was impressed with the history of this venerable lady, whose son had perished in the service of his country. She had no other prop or stay. That son had, by his services, enabled us to wrest the savage tomahawk from the hands of the Indian, and had quieted the fears of women and children through hundreds of miles of the frontier. She could point to her son, and say to the people, "This my son dried your tears, and drove your fears away." If we want soldiers, we must give them a love for heroic actions. You must be able to say to your sons, "Behold that venerable lady; 'she gave birth to a gallant son, who fought in 'defence of his country. He died and left her poor, 'and now that country gratefully maintains her." Would not the House enable American parents to say this? He need not wait for their answer. He wanted, he said, to reply to the honorable Speaker, by a single word. To compare the services of a common soldier with those of such a commander as Perry, was like comparing the strength and size of a child to those of a giant. He had laid his bosom bare to every danger on the seas, and even in the tented field, while others staid at home, basking in the sunshine of Executive favor. Mr. K. said he should not longer trouble the House, and resumed his seat.

After a few observations between Mr. Cobb and Mr. Hamilton, in relation to the present situation of Mrs. Perry,

The question was taken on striking out the enacting clause, (in effect to reject the bill) and carried, ayes 121; but, after being reported to the House,

Mr. Archer, of Virginia, moved to recommit the bill, with a view to ascertain whether some modification of it could not be made, by a limitation of the term of the pension or otherwise, so as to meet the views of the House.

This motion prevailed, but not by any considerable majority.

And, on motion, the House adjourned.

Monday, January 12.

Mr. Mercer presented a petition of George Taylor, of the State of Virginia, praying that measures may be taken to compensate him for spoliations committed on his lawful commerce, on the high seas, by French cruisers, between the years 1793 and 1800; the United States having, in the convention of 1800, absolved the Government of France from all liability on account of said spoliations.

Mr. Hemphill presented a petition of the Chamber of Commerce of the city of Philadelphia, praying for the erection of a "breakwater," at the mouth of the Delaware, for the security of the vessels navigating the same.

Mr. Farrelly presented a memorial of the inhabitants of the county of Erie, and parts adjacent, in the State of Pennsylvania, praying that measures may be adopted to remove the bar at the entrance of the harbor of Presque Isle.

Mr. Eddy presented a memorial of the committee appointed by, and acting for, the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, praying that additional duties may be imposed on certain cotton fabrics imported from foreign countries.

Mr. Little presented a memorial of the Chamber of Commerce of the city of Baltimore, praying for the passage of an act to establish a uniform system of bankruptcy in the United States; which memorial was ordered to lie on the table.

Mr. Mercer presented a memorial of the Common Council of Alexandria, praying for an increase and extension of their corporate powers, in the manner, and to effect the purposes, set forth in their memorial.

Mr. M. also presented a petition of the Board of Aldermen and Board of Common Council in the City of Washington, praying for certain alterations in, and amendments to, their act of incorporation.

The said memorial and petition were referred to the Committee for the District of Columbia.

Mr. Rankin, from the Committee on the Public Lands, who were, on the 9th ultimo, instructed, by resolutions, adopted on the motion of Mr. Brent, to make sundry inquiries in relation to land claims in the State of Louisiana, made a detailed report; which was read, and ordered to lie on the table.

Mr. R. also made an unfavorable report on so much of the petition of the Legislature of the State of Alabama, referred on the 12th ultimo, as relates to an extension of a right of pre-emption to certain settlers on public lands in that State; which report was ordered to lie on the table.

Mr. Webster, from the Committee on the Judiciary, to whom the subject has been referred, reported a bill to provide for the sale of lands conveyed to the United States in certain cases, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, made a report on the petition of George B. R. Grove, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of Joseph Wheaton, for payment of the expenses incurred in removing, with the Government, from Philadelphia to Washington, in 1800, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Josiah Hook, jr.," and "An act for the relief of the legal representatives of Joseph C. Boyd;" in which bills the Senate ask the concurrence of this House.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives, of December 24, requesting the President of the United States to lay before the House such information as he may possess, and which may be disclosed without injury to the public good, relative to the determination of any Sovereign, or combination of Sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such Sovereign or combination of Sovereigns may afford to Spain, for the subjugation of her late colonies, above mentioned; I have to state, that I possess no information on that subject, not known to Congress, which can be disclosed without injury to the public good.

JAMES MONROE.

Washington, *January* 12, 1824.

The Message was referred to the Committee on Foreign Relations.

On motion of Mr. Cook, the Committee on the Public Lands were instructed to inquire into the expediency of better defining the boundaries of the Edwardsville and Sangamo land districts, in the State of Illinois. And that the same committee be instructed to inquire into the expediency of allowing to the administrators of Michael Jones, deceased, late register of the land office at Kaskaskia, additional compensation for his services.

Mr. Vance, of Ohio, submitted the following resolution, which was read, and ordered to lie on the table, viz:

Resolved, That the Committee on Roads and Canals be instructed to prepare and report a bill appropriating twenty thousand dollars, to be expended in laying out and opening a road from Detroit, in the Territory of Michigan, to the Ohio State line, where the road from Detroit to Fort Meigs crosses the same.

Mr. Vance said that he could not doubt, from the liberality shown to other Territories, that the House would direct the proposed inquiry. Every gentleman in the least acquainted with the situation of the Territory of Michigan, must know that it presented the most vulnerable point on our frontier, and most needed all means for public protection.

On motion of Mr. Fuller,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the instruction of midshipmen, and other warrant officers of the Navy, in the intervals of public service, in nautical science, practical navigation, and marine tactics.

Resolved, That the same committee be instructed to inquire into the expediency of providing for the scientific and practical instruction of junior surgeons, and surgeons' mates, at one or more of the naval stations of the United States.

Mr. Scott laid the following resolutions on the table for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to transmit to this House all the books and reports of the several Boards of Commissioners, and recorders of land titles, made out and transmitted to the Treasury Department, under the several acts of Congress, and the instructions predicated thereon, relating to the adjustment of land titles and claims in the (then district of Louisiana, and Territory of Missouri) now State of Missouri, and Territory of Arkansas, whether the said books and reports relate to the confirmation or rejection of said claims.

Resolved, That the Secretary of the Treasury be directed to communicate to this House a copy of the instructions given by the Treasury Department, under the eighth section of the act of Congress, of the 21st April, 1806, entitled "An act supplementary to an act, entitled 'An act for ascertaining and adjusting the titles and claims to lands within the (then) territory of Orleans, and district of Louisiana," to the several Boards of Commissioners appointed under the act of Congress of the 2d of March, 1805, for the ascertaining and adjusting the titles and claims to lands within the (then) aforesaid Territories, now States of Louisiana and Missouri, and Territory of Arkansas.

On motion of Mr. Call,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of allowing a salary to the collector of the port of Pensacola.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Fernandina, on the coast of Florida.

Mr. Cook submitted the following resolution for consideration:

Resolved, That every petition presented and proposed to be referred to any of the standing committees of the House, shall be laid on the Clerk's table by the member having the same in charge, with his name endorsed thereon, with a designation of the committee to which it is proposed to refer it, and the Clerk shall, according to such designation, send it to the proper committee.

Mr. Sandford laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That Peter Hagner, Esq., Third Auditor, be requested to lay before this House any information within his knowledge of the claim of John Holiday, for a wagon and five horses, said to be destroyed while in the service of the United Stetes, by the hostile Creek Indians; and whether said John Holiday received any pay for the use of the said wagon and horses while in the service of the United States, previous to the destruction of the same.

Mr. Isacks submitted the following resolution for consideration, which was read and ordered to lie upon the table:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving the laws allowing a pension to the widows and orphans of such officers and privates of the Army who may have fallen in action, died in service, or of wounds received in service during the late war, so as to continue the said pensions for the term of five years longer after the expiration of the first terms, respectively.

The bill from the Senate, entitled "An act for the relief of the legal representatives of Joseph Boyd, deceased," was read twice, and referred to the Committee of Claims.

Engrossed bills of the following titles, viz: An act for the relief of Garrett Fountain; An act to extend the time limited for the settlement of private land claims in the Territory of Florida; were, respectively, read the third time, and passed.

THE MARQUIS LAFAYETTE.

Mr. Mitchell, of Maryland, submitted the following preamble and joint resolution; which was read, and ordered to lie upon the table, viz:

Whereas, that distinguished champion of freedom, and hero of our Revolution, the friend and associate of Washington, the Marquis De Lafayette, a volunteer General Officer in our Revolutionary war, has expressed an anxious desire to visit this country, the independence of which his valor, blood, and treasure, were so instrumental in achieving: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to communicate to the Marquis De Lafayette the expression of those sentiments of profound respect, gratitude, and affectionate attachment, which are cherished towards him by the Government and people of this country; and to assure him that the execution of his wish and intention to visit this country, will be hailed by the people and Government with patriotic pride and joy.

And be it further resolved, That the President of the United States be requested to ascertain from the Marquis De Lafayette the time when it may be most agreeable for him to perform his visit, and that he offer to the Marquis a conveyance to this country in one of our national ships.

The resolution was read the first time, and ordered to lie on the table.

RELIEF OF LAND PURCHASERS.

Mr. Rankin, from the Committee on the Public Lands, who were instructed, on the 18th ult., to inquire into the expediency of reviving, and continuing in force, the provisions of the act, entitled An act for the relief of the purchasers of public lands, prior to the 1st of July, 1820, made a report; which was read, and ordered to lie on the able. The report is as follows:

By the act of the 2d of March, 1821, purchasers were allowed until the 30th of September following to avail themselves of the law referred to in the resolution. From some delay in transmitting the necessary instructions to the several land offices, the limited time which was given to file the applications for the benefit of that law, and the remote situation of some of the claimants from the land offices where such applications were required to be filed, Congress, believing a revival of the act of 1821 expedient, passed the supplementary act of the 20th of April, 1822. That law gave all those who had not availed themselves of the provisions of the original act an opportunity to do so, at any time prior to the 30th of September, 1822. Notwithstanding this extension of time, it was discovered, from numerous petitions presented to Congress, at their last session, that a large class of cases existed, and which were necessary to be provided for, where individuals intended to have availed themselves of the benefit of those acts, but, from accident or misfortune, had been prevented from filing their applications in due time. For these cases, provision was made by the act of Congress of the 3d of April, 1823. Your committee believe that these laws have afforded a sufficient opportunity to all who were attentive to their own interest to have obtained the relief provided by them; and they have no information which would, in their opinion, justify recommending to Congress the expediency or propriety of reviving and continuing in force the provisions of the act referred to in the resolution. We therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to revive and continue in force the provisions of the act of Congress, entitled "An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820."

REVOLUTIONARY PENSIONS.

Mr. EDWARDS, of North Carolina, from the Committee on Revolutionary Pensions, who were instructed, on the 26th ultimo, "to inquire into the expediency of fixing by law the net amount of annual income which shall disqualify any applicant from being placed on the pension list, under the acts of the 18th of March, 1818, and 1st of May, 1820," made a report against the expediency of fixing the said amount; which was read, and ordered to lie on the table. The report is as follows:

That, by the act of 18th March, 1818, the Secretary of War is authorized to place on the pension list every person who served during the war of the Revolution, in the manner and for the term therein specified; provided he is in such "reduced circumstances as to need the assistance of his country for support." That, by the supplemental act, of May 1, 1820, the applicant is required to exhibit a schedule and valuation of his property, in order to entitle himself to the benefits of the act of March, 1818, above mentioned; and it is made "the duty of the Secretary of War to cause to be struck from the list of pensioners every person who shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country." The design of Congress, evidently, was to extend the benefits of these acts only to those whose condition in life, both as to property and bodily infirmity, rendered them dependent on charity for the means of subsistence. Your committee believe that this rule has been uniformly observed in their execution; and think it could not, in good policy, be departed from. The rule then being to grant relief to the necessitous only, the committee are of opinion that its equal and just operation can only be secured by trusting its application to the sound discretion of the Secretary of War. The necessities of the applicant do not depend simply upon the amount of property he has; but, also, on the number of his family; his bodily strength or weakness; and the dearness or cheapness of articles of subsistence in the portion of country in which he lives. Considerations like these must obviously be referred to the discretion of some one. To fix any amount of property or income as the rule by which applicants shall be excluded, would introduce a principle very unjust in its operation. The incomes of individuals vary according to their industry, economy, and good management; and the improvident would be benefited, while the prudent and industrious might be excluded by such a rule. No amount of property could be adopted as the rule; because, what would be a competent support for one, might be too little or too much for another. The committee, therefore, believe it impracticable to adopt any rule of valuation which would be just in its operation, or which would not involve great difficulty in its execution; and submit the following resolution:

Resolved, That the Committee on Revolutionary Pensions be discharged from the further consideration of this subject.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to postpone the orders of the day, to take up the bill for obtaining the necessary surveys on the subject of roads and canals. The motion was carried, ayes 77, noes 55, and the House went into Committee of the Whole.

Mr. HEMPHILL, of Pennsylvania, observed, that the subject of internal improvements, by the General Government, had for a long time been before the nation in a variety of shapes; and that its execution, in part, had only been retarded in consequence of opinions entertained by the present Chief Magistrate and his predecessor, as to the Constitutional powers of Congress to carry into effect a system of internal improvements. In support of the power of Congress, many resolutions have been adopted in this House; and two bills, predicated on such a power, passed both branches of the National Legislature. These bills, we all know, were rejected by the veto of the Executive; but nothing could be more highly recommended than the expediency of the measure, both by Mr. Madison and President Monroe. They deemed it of sufficient importance to produce a change in the Constitution. The language of the President, on this subject, is as strong as it could be; he said, if the right exists, it ought to be forthwith exercised.

As to the expediency of the measure, said Mr. H., I need not speak at large; the experience of the world tests the utility of good roads, canals, and bridges. By means of these, the inland trade of China has grown nearly equal to the whole market of Europe. It has become familiar to us, on this subject, that, in England, the Duke of Bridgewater first obtained a charter in the beginning of the reign of George III., to make a canal for the purpose of carrying coal from his estate to Manchester; the benefit of this canal was so great, that it gave encouragement for others, and George III. lived to see more than a hundred canals in his kingdom; some of them passing through hills, by tunnels, and others over valleys and rivers, by aqueducts. By means of these, there is an internal communication between most of the great towns; and there are few places in England more than fifteen miles from a water communication. The late Union Canal, in Scotland, which opens a communication between the two populous cities of Glasgow and Edinburgh, is of a size sufficient for large vessels. In Holland and the Netherlands, canals are said to be as common as roads in other countries. It would be an easy task to go into some detail, but I consider it unnecessary, the subject is so well understood.

There is no country, said Mr. H., capable of higher improvements than this, nor any society of people to whom such a measure would be of greater advantage, owing to the extent of our country, and the variety of its soil and climate. The expense of transportation in this country is far beyond what is generally supposed; and the difference of expense between water transportation and land conveyance is exceedingly great. The commissioners from Maryland, who were appointed to explore the river Susquehanna, took much pains to acquire accurate knowledge on this subject; and they say, that the expense of transportation on a canal amounts to no more than one cent a ton per mile, or one dollar for a ton for every hundred miles; the cost of transportation by land conveyance is thirty-two dollars for the same distance; this is more than thirty to one in favor of the canal transportation. To give some idea of the inland trade of the country, and the expense of transportation, I beg leave, said Mr. H., to read a few lines from the report of the gentlemen from Maryland, who examined the Susquehanna. [Mr. H. read the following extract:]

"Before we proceed to describe the routes by which the waters of the Susquehanna may be connected with those of the Ohio river, it may be well to furnish some general outlines of the value of that trade to Pittsburg and the West, which would be the inducement for effecting a canal communication between those waters.

"The town of Pittsburg, owing to the great advantages of its situation, near the highest navigable point of one of the principal rivers of the West, has long been considered as the principal depot of all the western commerce. In the year 1820, no less than fifteen hundred tons of merchandise were sent from the seaboard to the country beyond the Mississippi, through the towns of Pittsburg and Louisville, on the Ohio river. During the years of 1817, 1818, and 1819, the expenses of transportation from Philadelphia, over land to Pittsburg, amounted to one million five hundred and sixty thousand dollars each year, making four millions six hundred and eighty thousand dollars for the transportation of merchandise distributed from a single depot in the Western country, in three years. It has been estimated that, in the year, there were, on an average, two thousand five hundred and fifty-five wagons employed in the transportation of merchandise from Philadelphia to Pittsburg: that they carried eighty-nine thousand four hundred and twenty-five hundred weight, which were valued at seventeen millions eight hundred and eighty-five thousand dollars. And we have it from the most intelligent and respectable authority, that even within the last year, there has been sent from the city of Baltimore, by land, to Pittsburg and the Ohio river, merchandise to the value of twelve millions of dollars."

All this trade (continued Mr. H.) is in one section of the country. I shall not attempt to make any estimate of the annual expense of transportation in the different parts of the United States where canals might be made.

I wish one principle, said he, in relation to canals, to be perfectly understood, and I will illustrate it by ascertained facts. It is this, that canals may be highly advantageous to the nation, although not profitable to the proprietors of them. The expense of the transportation of between seventeen and eighteen millions worth of merchandise, from Philadelphia to Pittsburg, is $1,560,000; merchandise to the value of twelve millions has been sent from Baltimore to Pittsburg and the Ohio in one year. The expense of this transportation would be about one million; making the amount of the expense of the transportation from the two cities, about two millions and a half; there are about three thousand three hundred wagons employed, and as many men, and upwards of thirteen thousand horses.

To remove all possible mistakes, as to calculations, instead of thirty to one, say there is five to one in favor of a water transportation; this would save the annual sum of two millions in the expense of transportation. Suppose the General Government should complete water communications from Philadelphia and Baltimore to Pittsburg, and they should cost two millions, and that the annual amount of toll should not exceed one hundred thousand dollars, the General Government, as proprietors, would sustain a loss of twenty thousand dollars, but the whole operation would be greatly for the advantage of the nation. The consumers of the Western country, or wherever they might be, would gain annually two millions, and no body would be losers; for, in that case, the services for these two millions would not be performed; the nation would gain by the diversion of labor and capital, worth two millions a year, to other useful objects, say to the extension of cultivation and to manufacture. As the profits of different pursuits in this country are pretty much on a level, the same level and capital, which yielded two millions a year in transportation, would produce the same result in other pursuits. The addition of produce, and the value added to raw materials by manufacturing them, amounting to the two millions, or very near that sum, would be a clear gain to the nation, as so much would be added to the general mass of national wealth. Let this principle, said Mr. H., be applied to the different sections of the Union, where it is practicable to construct canals; and who can too highly appreciate, or calculate too largely upon the inevitable consequences!

Such objects are national, and do not fall within the sphere of State jurisdiction. A State, in making improvements, looks only to the prosperity of that particular State. But the object is national, when it transcends the boundaries of States, and embraces the interest of the whole Union, or large sections of it. Ten or twelve States are immediately interested in the navigation of the Ohio and Mississippi rivers; but what individual State can be expected to improve the navigation of these streams? It is the same with the contemplated canal along the seacoast; but will each State ever feel an interest sufficient to execute the part within its own limits?

I have before me, said Mr. H., an author of great celebrity, which briefly treats on the subject of highways and canals. He says, that no object is of higher national concern, and mentions their great advantages in France, and that the people complained of the expenses and labor when they were commenced; but, as soon as they became acquainted with their benefits, they blessed the authors of the design. There is no power in the Government to counteract the disadvantages arising from distances, except by improving navigable rivers, and by good roads, canals, and bridges. By means of these, the people in the extreme borders of a country are brought nearer together, and become acquainted with each other in the course of profitable dealing. They encourage the cultivation of the remote parts of a country, by diminishing the time, danger, and expense of carriage; and they are advantageous to towns and adjacent countries, by opening new markets. A singular prejudice against improvements is recorded in England. It is not much beyond half a century since some of the counties, in the neighborhood of London, petitioned the Parliament against the extension of turnpike roads into the remoter part of the country, which they supposed, from the cheapness of labor, would be able to undersell them in the London market, and would, thereby, reduce their rents, and ruin their cultivation; but, on experience, they soon found their notions to be erroneous, and the contrary was the result in both cases.

Whatever produces a saving of labor, must, in a greater or less degree, be beneficial to every part of a country. It may be said, that the people of this country are benefited by the good roads and canals, and labor-saving machines in Europe, because, in consequence of these, they can buy foreign articles cheaper than they could otherwise do. The people, far in the interior, are benefited as well as those in the towns, by lighthouses, and all the regulations in favor of commerce, because, in consequence of these, the expense of transportation is lessened, and they can get a higher price for whatever they have to sell for exportation, and can purchase, at a cheaper rate, whatever foreign articles they may want for consumption.

I have already, said Mr. H., endeavored to explain that canals may be of great advantage to the nation, although not profitable to their proprietors; but, even as respects them, some canals would yield a profit immediately, and all of them would become lucrative in a reasonable time, if proper routes are selected. On this point I will call the attention of the Committee to a few of the British canals. The extract which I will read, contains the original cost of shares of canal stock, the present prices, and annual dividends:

	Cost.	*Present price.*	*Dividends.*
Birmingham	£25	£535	£20
Chesterfield	100	120	8
Coventry	100	999	44
Erewart	100	1000	58
Grand Junction	100	218	9
Leeds and Liverpool	100	278	10
Leicester	100	260	10
Oxford	100	640	32
Staffordshire and Worcester	100	642	40
Trent and Mersey	200	900	75
Warwick and Birmingham	100	210	11
Warwick and Napton	100	235	10 10
Loughborough	—	2400	119
Melton and Mowbray	—	170	9 10
Mercer and Irwell	—	650	30

The first price of the three last is not given, but I am informed that it was but £100 each. Such exorbitant gain cannot be expected here, but large profits, in some instances, might reasonably be calculated upon. I have no hesitation in believing that a canal along the Atlantic coast would produce more than six per cent. immediately after its completion. The grand New York canal, so far, presents the most flattering prospects. The expediency of adopting some system of internal improvements cannot be questioned; and, as to the mode and manner of its execution, it is not required, for the support of the present bill, to go into any discussion; for, whatever mode may be finally resorted to, there is one preparatory step to be taken, and that is, to procure the necessary information. This will be useful to the General Government, to the States, and to individuals. The present bill is merely of this character; it presents a measure that must precede the actual undertaking upon any enlarged scale.

The committee who reported the bill, said Mr. H., were under the impression that it would be more efficacious than otherwise, to leave the routes to be surveyed entirely to the discretion of the President, and that it would be of no advantage to designate them in the bill. The President will unquestionably act, in the first instance, on the most prominent objects as a basis for the construction of roads and canals and the improving of water courses, in order to benefit internal commerce among the States, and to facilitate and give security to the common defence of the nation. For this purpose he can call to his assistance any of the corps of engineers or practical civil engineers, who possess many advantages, from the explorations they have already made. In this respect the present bill differs from the one reported at the last session, which provided for plans and estimates for a national road from the city of Washington to New Orleans, and for canals from the harbor of Boston to the South, along the Atlantic seacoast, and to connect the waters of the Ohio above with those below the falls at Louisville; Lake Erie with the Ohio river; the tide waters of the Potomac with the same stream at Cumberland; and for communications between the Susquehanna and the rivers Seneca and Genesee, which empty into Lake Ontario, and between the Tennessee and Savannah, and also between the Tennessee, Alabama, and Tombigbee rivers.

In favor of this bill, I think I am safe in saying that there was a majority in this House, at the last session, but owing to the advanced period of the session, when it was reached, it was thought imprudent to press for a decision at that time. There were obstacles against the passage of the bill, at the last session, which do not now exist. It was supposed by some, that, because it looked forward to a system of internal improvements, the President would not give his sanction to it, and that it would be an unnecessary consumption of time to deliberate long upon it. That impression is now entirely removed, not only by the acts of the President, during the last Summer, but by his Message. Under his general powers he authorized a part of the corps of engineers to assist in making plans and estimates for the Chesapeake and Delaware canal, and for a canal from some point in Jersey to the Hudson river; and also to assist the Maryland commissioners in their project of making a canal from the Susquehanna to Baltimore, and along the margin of the river. And in addition to these acts he has, in his Message, explicitly adopted, as well the principle contained in the bill before us, as the manner of carrying it into effect. I allude to that part of the Message which relates to the connexion of the waters of the Chesapeake and Ohio, by one continued canal, and also the connecting of the waters of the Ohio with those of Lake Erie by canals. If these could be accomplished, he says, it would be impossible to calculate the beneficial consequences that would result from them. He submits it to the consideration of Congress, if it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next season, and to report their opinion thereon. The present bill, said Mr. H., is nothing more than an enlargement of the views and objects contained in the Message of the President. I shall not raise the Constitutional question on this bill. The honorable gentleman from Virginia (Mr. Mercer) the other day suggested a different method of accomplishing the objects of this bill. He said, if I understood him rightly, that the President had full authority over the subject, and that it was only necessary to add a little to the appropriation of the Quartermaster General's department. In answer to this, the first remark that occurs is, that the President views the subject differently, or he would not have asked for the authority to be granted to him; and even if he had a sufficiency of money at command, he would not feel himself justified in embarking in a great project of this kind; without the countenance of Congress, no one could expect it. If the gentleman meant that the appropriation for the Quartermaster General might be increased, designating at the same time the object for which the increase is made, he will perceive that his method, as far as it goes, would embrace the principle of the present bill; the only essential difference would be, that, in that case, there would be no authority to employ two or more skilful civil engineers, which is of importance. Mr. Wright, and many others, are practical men, and might, it is presumed, be occasionally employed. If it was meant simply to increase the appropriation alluded to, without saying for what purpose, I should think it liable to objections; on that account, the object should be expressed—the people should understand what is intended by the bill we are about to pass.

The resources of the nation, in times of peace, said Mr. H., cannot be engaged to greater advantage, than in public improvements. These will increase the quantity of productions, by saving labor, and opening new markets. They will be permanent, and go down to posterity to be lastingly enjoyed, while the objects of most other expenditures may be forgotten. The Federal Government has now been in existence for upwards of thirty years, and yet, under all the natural advantages of the country, and notwithstanding the high political inducements, if we pass the limits of this District, and go into the interior of the nation, possessing a population of ten millions, there are scarcely any traces of the Government to be seen. No attention has been paid to the heavy expense of transportation; the rivers and other waters have been permitted to remain in their natural state—when, at the same time, every one acknowledges the incalculable advantages that would result from improvements in times of peace; and that, in the event of a single war, more would be lost for the want of them, than would be sufficient to make all those of the most prominent character. This would excite surprise if we were not acquainted with the reason of the delay; that it is owing to Constitutional scruples on the part of the Executive, and not to any unwillingness of the people, or their representatives, to undertake the execution of public works.

I sincerely believe, said Mr. H., that the people are fully prepared for, and that the spirit of the nation would now justify, the expenditure of large sums on great national objects. The expense of twenty or twenty-five millions ought to form no objection: for, if the debt should go down to posterity, it will carry with it a legacy of a thousand times its value. We are under no pressing obligation to discharge it immediately; but admit that we are, of what consequence, compared with the object, would such a sum be, when its expenditure would be spread over a period of ten or fifteen years? We can never expect to see more prosperous times for the commencement of public undertakings. If this subject is slumbered over for centuries, the same reasons will be urged against public works that are now.

It is owing, sir, said Mr. H., to an unfortunate indifference, and not to the want of ability, that public undertakings are so often neglected, in different countries. England had capacity sufficient to have performed all her great works long before she did. France, also, has long since had sufficient capacity for this purpose, but England is more than half a century in advance of her. The late Emperor of France, although he may have committed political errors, saw this subject in its true light, and, notwithstanding his numerous wars, he paid unremitting attention to public improvements wherever his dominion extended. In reading the accounts which are given of him in his misfortunes at St. Helena, I could not but admire the remarks of that most extraordinary man on this subject. In speaking of the Allied Powers, he said: "At least, they cannot take from 'me, hereafter, the great public works which I 'have executed, the roads which I have made 'over the Alps, and the seas which I have united. 'They cannot place their feet to improve where 'mine have not been before. Thank God, of 'these they cannot deprive me."

In order to show the concern which the people in different parts of this country have manifested on this subject, I beg leave to mention the objects which have been referred to the Committee on Roads and Canals within the last two years. A reference was made to inquire into the expediency of exploring a certain section of the State of Maine, for the purpose of ascertaining, by survey, the proper route for a road, and whether it would be useful in a military point of view, from the Penobscot river, at or near Bangor, to some point in the eastern boundary of the State.

A similar reference was made in favor of a survey being made to ascertain whether it would be proper for the General Government to aid in the construction of a canal in the town of Gloucester, in Massachusetts, to connect the waters of Boston and Ipswich Bay, in order to avoid the dangerous and tedious passage round Cape Ann.

The Legislature of New York passed the following resolution, which was referred:

"*In Assembly, April 10th*, 1822.

"*Resolved*, (if the honorable the Senate concur therein,) That our Senators in Congress be instructed, and our Representatives requested, to call the attention of the National Government to the great importance and public utility of improving the navigation of the Hudson, so as to open a free communication and direct intercourse for vessels of all descriptions, with the internal canal navigation of the State of New York."

Resolutions were referred instructing the committee to inquire whether it is expedient for the United States to give aid to the Delaware and Raritan Canal Company, and to the Chesapeake and Delaware Canal Company. Petitions and resolutions were referred, earnestly soliciting the attention of Congress to the navigation of the Potomac river, and its connexion with the western waters, with a view of extending the inland navigation to the Lakes.

A memorial from the Legislature of the State of Alabama was referred, praying aid of the General Government to connect several of their valuable streams. It also called the attention of Congress to the communication of the Pensacola bay with that of Mobile.

A resolution has beeen offered at this session to inquire into the expediency of opening a canal between the navigable waters of the Tennessee and Coosa rivers.

There were also, said Mr. HEMPHILL, other references of minor importance. The measure proposed by the present bill, continued Mr. H. was recommended by the able and valuable report of the Secretary of the Treasury, of the 4th of April, 1803, in the following words: "As an important 'basis of the general system, an immediate au'thority might also be given to take the surveys 'and levels of the routes of the most important 'roads and canals which are contemplated; a 'work always useful, and by which the practica'bility and expense of the undertakings would be 'ascertained with much more correctness than in 'the report; a moderate appropriation will be suf'ficient for these several objects."

The execution of this measure will present to Congress a full view of the subject. It will lay the foundation of a well digested and regular system, and it will require but little money, compared with the importance of the information. Nothing can be more useful than an acurate knowledge of the natural capacities of the country for improvements; to be made acquainted as well with the interior as exterior; to possess a knowledge of all the valuable streams, the distances of their tide waters, the impediments to navigation which may be in them, and their capacity of being connected to each other by good roads and canals; to ascertain the routes by which the Atlantic could be connected with the western waters and with the Lakes, whether by the Potomac, or by the Susquehanna and Alleghany, or by both; to know what improvement would cause the greatest advantage to be derived from the St. Lawrence; what would be necessary to perfect the navigation of the Hudson river for vessels of all descriptions; what would be the distances of roads and canals, to make a connected communication along the seaboard, from Maine to New Orleans; by what means the navigation of the Mississippi could be rendered less dangerous than at present; what would be the distances and character of the country over which national roads ought to be constructed. Such information, accompanied with plans and estimates of expense, would be of the highest importance; for, whether the improvements of the country are to be made by the individual States, or by the General Government, under its present Constitution or by means of a change of the Constitution, this information would be essentially necessary. All, therefore, said Mr. H. that are in favor of improving the country by any of the means that have been suggested, can, with consistency, vote for the present bill.

Mr. H. made other remarks, to show the propriety of obtaining the information required, through the Corps of Engineers, with the assistance of two or more civil engineers.

In concluding, Mr. **Hemphill** moved that the blank in the third section of the bill be filled with $30,000.

Mr. P. P. **Barbour** offered a motion (which, by the rules of the House, superseded that to fill the blank,) to strike out the enacting clause of the bill. He did this, he said, in all fairness, that the sense of the House might first be obtained on the general principles involved in the bill, before any thing should be determined as to its details. Wishing, also, to deliver his views on the subject, and the hour being now rather late, he moved that the Committee should rise, and ask leave to sit again.

These motions, in the course of the conversation which followed, Mr. **Barbour** withdrew.

Mr. **Clay** (the Speaker) took occasion to observe, that the discussion ought to be left free upon the broad principle of the bill, before going into a discussion of its details. Two questions of principle, he conceived, were involved in this bill: first, whether Congress possessed the Constitutional power to legislate on the subject of internal improvement; and, secondly, whether it was expedient for Congress to exercise that power. Until it should be settled what was the opinion of the House on both these points, it was useless to go into a discussion of dollars and cents, in regard to the amount of appropriation to be included in the bill.

Mr. **Mercer**, on the other hand, did not think that this bill was calculated in any manner to test the opinion of the House on the great questions of the power of Congress in regard to internal improvement, and the expediency of exercising it. He conceived it might be extremely proper to employ the topographical engineers in these surveys, without involving the Constitutional question at all, and indeed that they could not be better employed. Mr. M. adverted to the opinions of the Executive on this subject, which he said had not that he knew of undergone any change. It was well known that the President had always asserted the power of the General Government to appropriate money to complete roads and canals, but had also expressed the opinion that Congress had no jurisdiction over the territory of the several States for the purpose of making them. But this bill, Mr. M. added, did not involve that principle, and he did not see that the discussion of it would now be in place. He hoped, before the session was at an end, that a bill, which did involve the question, would be fairly before the House, on which the question might be tested.

Mr. **Clay** said he knew it was possible, according to one interpretation of the Constitution, to pass this bill without involving, in the discussion, the general principle of the power of the Government in regard to internal improvement. But he thought, for his part, that the House could not fairly give its approbation to this bill, unless it also gave its assent to the general power. For what, he asked, does the bill propose? The making of certain surveys, with a view to opening channels for the distribution of the means of the Government, and, through the Post Office, the communication of intelligence from one part of the country to the other. If the Government has no right to open these communications, it has no right to make the surveys which are preparatory to them. He adverted to the fact that when, some sixteen years ago, a proposition had been made in the Senate for authorizing a survey for a canal around the falls of the Ohio, a member, now high in office, was of opinion that, so absolutely was the Government divested of the power over internal improvement, it could not authorize a survey looking to such an object. Mr. C. said, that he was one of those who do believe the power of making roads and canals to belong to the Government. There were some who differed from him, and deduced the power to give money for such objects from the power to appropriate public money; whilst he considered the power to make the improvements as drawing after it the power to make the appropriations for them. According to the view which he took of the subject, the power of the Government in regard to internal improvements was a necessary and indispensable topic of discussion which this bill involved. It would be better, then, he thought to bring on the general discussion first, and after the House should be satisfied of its power, to take into consideration the sum of money which it might be necessary to appropriate to these national purposes.

Mr. **Barbour** said that, on this, as on every occasion on which he was called upon to take part in public affairs, he was inclined to act with perfect fairness. He assured the gentleman, therefore, that in making a motion to strike out the enacting clause, he had no other motive than to come at once to the principle of the bill, because, if that did not meet the approbation of the House, it was unnecessary to consume time in the discussion of the details. Still entertaining this impression, he renewed his motion to strike out the enacting clause of the bill.

The Committee then rose, on motion of Mr. **Barbour**, and obtained leave to sit again.

Tuesday, January 13.

Mr. **Webster**, from the Committee on the Judiciary, reported a bill to authorize the issuing of letters patent to Samuel Brown; which was read twice, and committed to a Committee of the Whole.

Mr. **Rankin**, from the Committee on the Public Lands, made an unfavorable report on the memorial of the Legislature of the State of Alabama, praying Congress to authorize the sale of the public lands in tracts of forty acres, or sixteenth parts of a section; which report was ordered to lie on the table.

The Committee on the Public Lands were discharged from the consideration of the memorial of the Legislature of the State of Alabama, proposing an allowance of a discount of 37½ per cent. on the price at which certain public lands have been sold; and the memorial was laid on the table.

Mr. **McLane**, from the Committee of Ways and Means, reported a bill making a partial appropriation for the support of Government for the year

1824, (for the compensation of Senators and Representatives,) which was twice read, and made the order of the day for this day.

The House, by consent, went into a Committee of the Whole, Mr. KENT in the Chair, on the above bill. [Which appropriates $265,140 for the pay of the members.]

The bill was reported with the amendment for filling the blank, and was ordered to be engrossed for a third reading to-day.

Mr. KENT, from the Committee on the District of Columbia, reported a bill for regulating the fees of the registers of the orphans' court, in the several counties within the District of Columbia; which was twice read, and committed.

Mr. HARVEY, from the Committee on Naval Affairs, reported a bill for the relief of William Blagrove; which was twice read, and committed.

The SPEAKER laid before the House the annual report from the Navy Department, of the names and salaries of clerks employed therein; which was laid on the table.

Mr. SCOTT's resolutions of yesterday, calling for the records of land titles in Missouri and Arkansas, and for the President's instructions to the Board of Commissioners in that State and Territory, was taken up and adopted.

Mr. SANFORD's resolution, calling on the Third Auditor for information touching the loss of a certain wagon and horses destroyed by the Creek Indians, was laid on the table.

An engrossed bill entitled "An act making a partial appropriation for the support of Government for the year 1824," was read the third time, and passed.

CONTESTED ELECTION.

Mr. SLOANE, from the Committee on Elections, to which was referred the memorial of John Biddle, contesting the right of GABRIEL RICHARD to a seat in this House as the delegate from the Territory of Michigan, made an unfavorable report thereon; which was ordered to lie on the table. The report is as follows:

The petitioner objects to the right of the sitting delegate to retain his seat, for the following reasons: 1st. That he is not a citizen of the United States, but, on the contrary, is an alien, owing allegiance to a foreign Power; and that although he has been naturalized before a court of the Territory, yet that this court not being of that description which, by the laws of the United States, is authorized to admit aliens to become citizens, his admission is of no validity.

2d. That, even admitting the authority of the court, the naturalization not having taken place one year previous to the election, he is still disqualified from retaining his seat. In entering upon the consideration of this subject, the first point that presents itself is the authority on which the right of a Territory to be represented by a delegate in the House of Representatives is founded; and next, the qualifications which it is requisite such delegates should possess. The office is one which is not provided for in the Constitution. It grew out of the ordinance of Congress for the government of the Northwestern Territory, passed anterior to the adoption of the Constitution of the United States, and has formed the basis of all the Territorial governments which have since existed. By that ordinance no qualifications were required of the person elected a delegate; nor do the laws of the United States, which have been subsequently passed in relation to the election of delegates from other Territories, prescribe any. The committee will not attempt to discuss, much less to decide, the propriety of allowing persons, who are not citizens of the United States, or who may owe allegiance to a foreign Government, to hold seats in this House as delegates from Territories. It will be sufficient to state the fact, that there are no statutory provisions on the subject; and that, unless it can be deduced from the general principles of the Constitution, there is no authority to exclude an alien from holding a seat in Congress as a delegate from a Territory. The case under consideration does not, however, present itself in such manner as to render a decision of this point absolutely necessary. By the documents which have been referred, it appears that the sitting delegate is a native of France; that he emigrated to the United States in 1792, with an intention of residing therein; that he has so resided until the present time; that in June, 1823, he made application to the court of Wayne county, in the Territory of Michigan, then holden in the city of Detroit, and was admitted to become a citizen of the United States. The question now comes up for consideration, whether this court is of the description which have authority competent to perform acts of this kind. The act of Congress, passed the 14th of April, 1802, entitled "An act to establish a uniform rule of naturalization, and to repeal all the acts heretofore passed on that subject," provides that aliens may be admitted to become citizens of the United States by the "supreme, superior, district, or circuit court of some one of the States, or of the territorial jurisdictions of the United States, or a circuit or district court of the United States." In a law of Congress which was designed to confer jurisdiction on other courts than those of the United States, and which courts were possessed of different powers, and variously constituted, it would be extremely difficult to describe each court by that name or appellation which it received in the law of the State or Territory by which it was established. Besides, was such precision to be observed, Congress would be under the necessity of altering the law to meet every change which the different States might find it convenient to make in their judicial system, or otherwise the object of the law might, in some States, be entirely defeated. In making provision for the naturalization of foreigners, the intention of Congress obviously was to confide it to all courts which possessed those attributes that would render them safe depositories of the trust reposed. And the terms employed to describe them must be construed to relate to their powers and jurisdiction, and not to the name or appellation by which they were respectively designated in the laws of the States or Territories in which they exist. That this is a fair construction, will appear manifest from the provisions of the third section of the same act, which declares "that every court of record, in any individual State, having common law jurisdiction, and a seal, and clerk or prothonotary, shall be considered as a district court within the meaning of this act."

The exceptions taken to the authority of a county court of a Territory to admit aliens to become citizens of the United States, are founded on the reference in this section to State courts, and the omission to include the courts of a similar character in the Territories.

But this section, it must be observed, is merely declaratory, and cannot justly be construed to contain any thing more than an explanation of what was intended to be understood by the terms "district and circuit court." Let us see what is the interpretation. It is, "that every court of record which possesses certain other attributes, which are enumerated, is to be considered as a district court." Here is no new grant of power, but only a declaration of the character in which those courts are considered; and the omission of the territorial courts in this section cannot be construed to annul the grant of power contained in the first section. The reason for enacting the first section was obviously to explain away certain doubts which appear by the preamble to have existed in regard to some of the courts in certain States; and the presumption is, that, in respect to the territorial courts, no such doubts were suggested, and hence the omission. Should this view of the subject be correct, there can be no doubt but that by the laws of the United States the county courts in the Territory of Michigan are to be considered as district courts, and competent to admit aliens to become citizens of the United States; and that, as the sitting delegate was naturalized before one of those courts, he thereby became, and in fact, now is, a citizen of the United States.

The committee will now proceed to the consideration of the second objection, viz: That, even admitting the validity of the naturalization, yet, as it did not take place one year before the election, the sitting delegate was not at that time legally qualified, inasmuch as he had not resided in the Territory one year previous to the election in the quality of a citizen of the United States. The authority relied on to support this position is the act of Congress "authorizing the election of a delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage to the citizens of the said Territory," passed the 16th of February, 1819; and the "act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," passed the 3d of March, 1823. The former of these acts provides "that every free white male citizen of said Territory, above the age of twenty-one years, who shall have resided therein one year next preceding the election," &c., shall be entitled to vote at such election for a delegate to the Congress of the United States. The latter act provides that all citizens of the United States, having the qualifications prescribed by the act of the 16th February, 1819, shall be eligible to any office in said Territory. The committee will not undertake to decide whether the station of delegate is such an office as comes within the meaning of this act; but, even admitting that it is, the conclusion will not prejudice the right of the sitting delegate to his seat. Neither of the acts referred to require that the person shall possess the qualifications enumerated at any other time than that at which the election takes place. It is not the citizen who is required to have resided in that quality for one year next preceding the election. It is the person, the individual, the man, who is spoken of, and who is to possess the qualifications of residence, age, freedom, &c., at the time he offers to vote, or is to be voted for, or claims the privileges and franchises which those acts bestow. From a careful examination of the case in all its bearings and relations, the committee are impelled to the conclusion that the sitting delegate was at the time of his election a citizen of the United States, possessed of all the Constitutional and legal qualifications to render him eligible to a seat in the present Congress, and do, therefore, submit the following resolution:

"*Resolved*, That Gabriel Richard is entitled to a seat in this House as a delegate from the Territory of Michigan."

MARQUIS LAFAYETTE.

The joint resolutions yesterday moved by Mr. Mitchell, of Maryland, looking to the probability of a visit from the Marquis Lafayette to this country, and proposing to send a national ship for him, were read a second time; and the question being on ordering them to a third reading—

A motion was made by Mr. Condict to lay the resolutions on the table to give time for further consideration thereon.

This motion was negatived—80 to 74.

Mr. Williams, of North Carolina, expressed his wish to have more authentic information of the expressions of General Lafayette on the subject of a visit to the United States. He thought the House was not in possession of such information on the subject as would justify acting upon it—intimating, that if he was properly apprized of the facts alleged in the preamble, he did not know that he should object to the resolutions.

Mr. Brent, of Louisiana, said he did not consider it material, to a decision on these resolutions, whether or not it was the wish of the Marquis Lafayette to visit the United States. But, Mr. B. said, he had seen letters from the Marquis himself, expressing that wish. He had seen a letter addressed to Mr. Davezac, of New Orleans, wherein Marquis Lafayette stated that it was his intention to visit the United States once more before he died. One of his colleagues, also, (Mr. Livingston,) had received a letter to the same effect. Mr. B. said, he hoped, on this occasion, not only an affirmative but an unanimous vote. It was unnecessary for him to refer to the value of the services which General Lafayette had rendered to this county in the war of the Revolution. They were too deeply engraven in the bosom of every man to need to be revived to his recollection. The resolutions would cause no expense, and establish no precedent. The House had, from various unofficial sources, all the information they could desire on this subject, and he hoped the resolve would pass.

Mr. Rich, of Vermont, moved to amend the resolution by striking out the words "expressed an anxious wish," and insert in lieu thereof "announced his intention," to visit the United States, &c.

Mr. Condict, of New Jersey, said, that it would be much more competent for a committee than for the whole House to amend the phraseology of a resolve, and, as there seemed to be some doubt as to the phraseology of the preamble at least, he moved to refer the resolutions to a select committee.

This motion was agreed to, without opposition; and Mr. Condict, Mr. Mitchell, Mr. Holcombe, Mr. Brent, Mr. Cuthbert, Mr. Cambreleng, and Mr. LIVINGSTON, were appointed the said committee.

SURVEYS FOR ROADS AND CANALS.

On motion of Mr. HEMPHILL, the House again resolved itself into a Committee of the Whole, on the unfinished business of yesterday. Mr. FOOT was called to the Chair, and the consideration of the bill for obtaining the necessary surveys, plans, and estimates, on the subject of roads and canals, was resumed.

Mr. P. P. BARBOUR said, that it had been in order to test the principle of the bill before the House, that he had yesterday moved to strike out the enacting clause; he would now ask the indulgence of the House while he endeavored to state some of the reasons which compelled him to oppose the principle on which the bill must necessarily rest. He was aware that the subject had been discussed, elaborately, at a former Congress, and that it would be difficult to avoid, on the present occasion, touching on some, at least, of the points then so fully argued—he should endeavor to guard against this as far as it was practicable; and, being very unwilling to trespass, unnecessarily, on the time of the House, should endeavor to compress the few remarks he had to offer into as dense a form as he was capable.

The bill, observed Mr. B., proposes an appropriation of money to obtain the necessary surveys and plans on the subject of roads and canals; and its advocates had urged that it was merely a measure to procure useful information; but it sought that information avowedly with reference to an ulterior object; and if this ulterior measure be not Constitutionally within the powers of Congress, then he contended that Congress were not warranted in taking the preparatory step now proposed. He should trouble the House with no remarks on the general subject of internal improvements; the advantages to be derived from good roads and canals none deny; he fully accorded in the opinions expressed by the chairman of the committee on the saving of expense and promotion of intercourse which must necessarily result from them. But the question now to be argued was of a different complexion—it was the question of power. He had long been of opinion, that Congress was not possessed of this power under the Constitution, as that instrument now stands; and it would be the object of his present discussion to prove this.

Before, however, he went into an examination of the Constitution itself, he would make some preliminary remarks on the principles and spirit of that instrument. When the Constitution was about to be formed, the great problem which occupied the minds of its framers was the determination what powers should be conceded by the States to the Federal Government, and what powers should be retained by the States. If too much should be granted, the General Government, like Aaron's serpent, would soon swallow up the State governments; if, on the other hand, too little were conceded, the Federal Government would be inefficient for the purposes of its institution. The one error threatened liberty, the other threatened internal peace and order. In these delicate and difficult circumstances, the authors of the Constitution determined on a compromise between these opposite interests, and the compromise rested on one general principle, subject, however, to a few modifications. That general principle was this: that, whenever the object to be obtained was one which required the concentrated strength of the whole Confederacy, the power to effect it was reposed in the Federal Government; thus the raising of armies and constructing of fleets for the national defence were objects which no individual State could effect, and they, with other powers of the like character, were therefore confided to the General Government; and, because they could not be effected without the requisite pecuniary means, the Constitution, on the same principle, gave Congress power to raise a revenue. There were other objects, also, which, from their nature, could not be managed with the requisite concert, by thirteen distinct independent sovereignties; such as the regulation of foreign commerce and the making of treaties, which, therefore, were intrusted to the General Government. He cited these instances as illustrations and exemplifications to show what kind and order of powers the reason and spirit of the Constitution deposited in the hands of the Federal Government. But while, from necessity, powers of this character were ceded, all powers which had relation to matters of internal regulation, all that might be denominated municipal powers, were reserved to the States. These States had each a government of its own, and the authors of the Constitution wisely judged that these governments were fully competent to take the superintendence of their own internal concerns, and were, from their situation, likely to be more intimately acquainted with these concerns, and therefore best adapted to their proper management. This distinction of power, Mr. B. insisted, was the general, fundamental principle on which the whole Constitution was based; and it would prove the best guide in investigating any part of that instrument; the object of which had been, by a wise distribution of power, to assign to the General and to the several State Governments, each its own proper orbit, in which to move for the general good.

Yet this general principle was susceptible of, and had received some modifications. Some few of the municipal powers, of a special and particular character, had, for wise reasons, been transferred to the General Government. An instance of which was found in the exclusive jurisdiction given to that government over the spot where its seat should be fixed; the reason of this was, obviously, that the free exercise of its functions might be preserved, unawed by any influence that might otherwise be exerted over them in consequence of the territorial jurisdiction of any particular State. So the General Government had the power to regulate commerce between the States, and to fix a standard of weights and measures; for which, as in the former instance, there was a special reason, viz: the necessity for uniformity, an object which could not have been attained, had these powers been left where, on the general principle, they belonged, that is, with the several States. There were but few powers of this description placed in the General Government; and on investigation, it would be found that, in every individual case, there was a special individual reason for the grant, which rendered it a proper exception. [Mr. Barbour here read extracts, in confirmation of his position, from "The Federalist," No. 45.]

Now, said Mr. B., if the principle I have stated furnishes a sound rule for the interpretation of the Constitution, might I not stop here and ask whether the subject of internal improvements is not characterized by every thing which can bring it within the class of municipal powers? Whether, in the language of the book I have just quoted, the able commentary of the authors of the Constitution themselves, it is not a system of "measures to promote internal order, improvement, and prosperity?" Now, the municipal powers granted to the General Government, being so many exceptions to the general principle, are all distinctly enumerated. The enumeration, therefore, limits the extent of such powers in that Government; it has the powers enumerated, and it has no more. Whence will the gentlemen opposed to me get other municipal powers? Will they attempt to find them under that part of the Constitution which has been said to be nothing more than a rule which would have resulted of course, and which might have been omitted, since what it contains is a necessary inference from what went before it, viz: "to make all laws which shall be 'necessary and proper for carrying into execution 'the foregoing powers, and all other powers vested 'by this Constitution in the Government of the 'United States, or in any department or officer 'thereof?" Surely, as the States intended to give the General Government only a few specific municipal powers, it is not competent for that Government to assume other municipal powers as incidents to federal powers. This would be to extend the grant of specific municipal powers, by claiming them as incidents to another class, and may be so far extended as totally to overthrow the partition which that instrument has so assiduously erected between the General and the State Governments.

He would now proceed to an examination of the Constitution itself, in reference to the power in question. It was worthy of inquiry, however, first, to look at the great diversity of opinion among those who professed to derive the power of making internal improvements from the Constitution. Some thought it might be done with the consent of the States concerned; others, without that consent. Some drew it from one part of the Constitution, some from another. Some maintain that Congress has the power without the section which authorizes them to collect taxes, &c.; others, that it has not. All these various classes of advocates, however diverse or incompatible their various opinions might be, were, he did not doubt, as sincere in holding and in expressing them, as he himself was in the views he took on the subject. He should think it needless to occupy much time to prove that, if Congress possessed the power at all, they needed not the assent of the States, through which the improvements were to pass, though such assent had been asked, as to the Cumberland road. For, whatever powers the Constitution has given them, they may not only exercise without the assent of the States, but against their will, within Constitutional limits. Take, for example, the power of taxation; and so of their other powers. If assent is to be procured, it implies that it cannot be done without such assent; but if the assent give the authority, it follows that, by the assent of a few States, a new power may be imparted; whereas, to get a new power, requires an amendment of the Constitution, which can only be done in the manner prescribed by that instrument. There are, indeed, a few cases in which the Constitution requires the assent of the States, such as the purchase of sites for forts, arsenals, &c., but the very requisition of assent in these cases, utterly excludes the idea of its necessity in any others.

If no consent is required from the States, it must be because the power is granted by the Constitution. Is it granted? asked Mr. B. I cannot find such a word in any part of that instrument, as power to make canals. He here read extracts from the report of the first Secretary of the Treasury, (General Hamilton,) in which, he contended, that that statesman did not pretend to claim such a power as belonging to the General Government. He was, in that report, opposing the force of the arguments of the then Secretary of State, (Mr. Jefferson,) in respect to the incorporation of the Bank of the United States, but, though strenuous in his opposition, he admitted "that a special 'power to incorporate, for the purpose of opening '*canals*, would have been necessary, except with 'regard to the Western territory; there being 'nothing, in any part of the Constitution, respecting the regulation of canals." It is not pretended that the power to make roads and canals is a positive power, granted by the Constitution; it is supposed, however, to be implied in some of those expressly enumerated. From which of these is it sought to be derived? Some say from that clause which gives to Congress "power to regulate commerce with foreign nations, and among the several States." For himself, it had always been his opinion that this grant extended no farther than to prescribing the terms on which this commerce shall be conducted. He had derived this opinion equally from the history and the geographical position of the United States. The slightest glance at a map of the Union is sufficient to show that, in respect to commercial advantages, some of the States are far better situated than others; and this power was given to prevent undue advantage being taken of those States which were less favorably situated, by the laying of exactions on the passage of their products to a market, &c., [on which part of the subject he read a quotation from one of the numbers of "The Federalist."] Here, he said, was a precise and special reason for the grant of this power, which ought to be taken as the best explanation of the power itself.

But, it had been urged, that the same word "regulate," is equally applied in this clause of the Constitution to foreign and domestic commerce, and yet, under this clause, the Government was held to have the power of erecting lighthouses, beacons, &c. If they might do this, under a power to "regulate" foreign commerce, why not, it has been asked, make canals and roads, under a power to "regulate" domestic commerce? To this argument, Mr. B. replied, that the analogy from the general power to the particular act, was by no means as strong in the one case as the other. But, he thought that a full answer was to be found in the Constitution itself, viz., in that clause which gives to Congress exclusive legislation over "all places purchased with the consent of the States, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings," taken in connexion with the course of legislation upon the subject; for, upon reference to the laws of the United States, we find a long list of cessions, by the States, of sites for lighthouses, beacons, &c., which clearly proves that Congress legislated under the idea that they derived the power from that source. Whether, therefore, the power to make roads and canals is sought to be established, under this clause of the Constitution, by consulting its express terms, or relying on the above analogy, or resorting to the declarations and illustrations of its authors, speaking in the Federalist, the attempt must prove equally unavailing.

The next clause resorted to, is that which gives to Congress "power to raise and support armies;" whence it is argued that they have an incidental power to make military roads. Here he should take occasion to make some remarks on incidental powers in general. It was utterly unsafe and inadmissible to infer an incidental power from a power expressly granted, merely on the ground of its remote convenience, or conduciveness, in carrying the granted power into effect: to be incidental, it must have an immediate, direct, and appropriate relation to the granted power. If, when a power is expressly granted, every other power which, in however distant and remote a degree, may be convenient or conducive to its exercise, is held also to be granted, as incidental to the first, where is power to stop? There is no end to the long chain of cause and effect. The Constitution gives you, said Mr. B., "power to provide and maintain a navy;" to do this, ship-timber is requisite. Will it be held, that the granted power to provide a navy, contains, as an incidental power, authority to forbid the people from cutting and using the timber on their own farms? In other words, from clearing their lands? He could multiply examples of the same kind. If powers, however remotely conducing to the granted power, be held incidental to it, the grant was of illimitable extent. Nothing like an immediate and appropriate relation was to be found between raising armies and making roads.

The next clause relied on was that which confers power "to establish post offices and post roads." The view he had always entertained of the meaning of this clause was, that it only authorizes Congress to designate the route in which the mail shall travel, the places where post offices shall be located, and to secure to the mail the right of passing unmolested. The "Federalist," speaking of this power, calls it a "harmless" one. As he construed it, it was so; but, if the opposite construction prevailed, it ceased to be so "harmless" or inconsiderable. The authors of the Constitution thought that the consent of a State was necessary, before the General Government could get jurisdiction over even so much ground as was required to build a fort; but the construction now contended for gives them an extended jurisdiction indeed. According to a late report from the Post Office Department, there are, in the United States, 80,000 miles of post roads; but if Congress may incorporate a company, and set toll-gates upon one of these roads, it may on all of them. Here then is a jurisdiction over 80,000 miles of road, with the patronage of all the officers connected with them—a mass of power which can hardly be called "harmless" in the sense of the "Federalist." Mr. B. said he was not much in the habit of referring, on such subjects, to legislative authority, but, as far as was inferrible from the acts on the subject of post roads, the sense of Congress had been against the power now contended for. In all the laws on the subject, the act merely designates the route to be pursued, though the title is, "to establish post roads." It was very true that the Legislatures of the States cannot stop the mail; but the question now in discussion is the question of power to make a road. If Congress has jurisdiction over post roads, what becomes of that jurisdiction when a post route (as happens every day) is discontinued? Does it revert to the particular State? And when the General Government obtains jurisdiction over a road, does the State jurisdiction thereon cease? or have the two Governments concurrent jurisdiction? If they have, suppose each of them should incorporate a company to make the same road, must one yield? and which one? Must the State government yield to the General Government its soil and jurisdiction? Where, asked Mr. B., is there a solitary instance to be found of the General Government's obtaining, under the Constitution, any soil except that which it is authorized, by the Constitution, to purchase, that which it holds as national territory, or that which is ceded for a seat of government? On the one construction there is no collision, no incompatible or conflicting jurisdiction; all is harmony. But, on the other, all is conflict. The one construction leaves to Congress exclusive jurisdiction within its limits, and to the State governments exclusive jurisdiction within theirs. The opposite, exposes both to all the inconveniences and dangers of colliding jurisdictions.

Mr. B. next proceeded to examine the clause which gives the power "to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States." However gentlemen might differ as to the construction of different parts of the Constitution, there was one point on which all agree, viz: that the Federal Government of this country is a limited government, a government subject to restrictions. But, though this be so, and the Constitution prescribes the limits, if you interpret the above clause of that instrument so as to say that Congress may do any thing it pleases to do, that will "promote the general welfare" or the "common defence," then all limits elsewhere laid are utterly vain and nugatory. The powers given are as illimitable as space; expediency, and that alone, is left to regulate the Government. Or if, as is contended by others, this clause refers merely to a power of appropriation, still, if you say that Congress may appropriate any money it pleases, and for any object that will "promote the general welfare," the case is scarcely any better than before. If this is a limited Government, neither construction can be a sound one: either of them lets all that loose and perfectly unregulated which the Constitution, throughout, so assiduously labors to regulate and confine. [In support of this position Mr. B. again read extracts from the Federalist.] The correct construction of the above clause was this, it gives to Congress the power to raise money because that power is indispensable; it is the very life-blood of all government; but the money raised is limited in the mode of raising it, and limited as to the ends to which it may be applied. If the right of appropriation be restricted in its application, to the objects enumerated in the Constitution, then the question in any given case will, as it has been justly said by high authority, be sufficiently precise and determinate to be submitted to judicial decision; but, if it be established as a principle, that Congress may appropriate money to any and every object which they may think will promote the general welfare, then it is obvious that it will become in every instance a question of expediency, to be decided by legislative discretion, and not subject to judicial control. A very just and precise view of this subject, Mr. B. said, is given by the late President of the United States in his communication to Congress, assigning the reason of his dissent from an act passed by both Houses. [He here read extracts from the President's communication.]

Having thus examined in succession the several parts of the Constitution, in which the advocates for internal improvements sought to find the grant of power to make them, he would add one other view of that instrument considered as a whole. Although its framers went into the construction of it in a liberal spirit of mutual concessions, yet there is manifest, in various parts of it, a portion of mutual jealousy also. That spirit plainly appears in such regulations as that which provides that all direct taxes shall be in proportion to the population of the several States—that there shall be no tax on exports, &c. These provisions evidently arose out of a fear that some inequality might exist in the burdens or advantages of the new Government as apportioned among the States. But if the framers of the Constitution thus intended to guard by anticipation, against all such inequalities, do I not, said Mr. B., derive from that fact a very strong argument, to show that they never meant to give to the General Government municipal powers, such as internal improvement? These powers bear directly on the internal affairs of a people almost infinitely diversified in situation, circumstances, and local interests. Of what use is it to forbid a disproportionate drawing of money from the different States, if, when drawn, according to due proportion from each, it may then be given for the benefit of a few, or of a single State? Take an illustration from the great New York canal. Had the expense of that canal been borne by the General Government? Although it would, in a degree, have "promoted the general welfare," would it not, out of all proportion, have benefited the State of New York in particular? And do what you will, from the very nature of things it must happen, however pure the intentions of Government, that the practical operation of such an interpretation of the Constitution, and of the system which rests on that interpretation, will be to produce an unequal and disproportionate application of moneys drawn from all the States. If this may be done, it is vain to forbid unequal taxes, and what must be the natural consequence? To produce discontent and heart-burnings in those parts of the Union which are least benefited, or not at all, by the improvements effected. Some States may be so situated by geographical position that either a small share only, or no part of the proposed improvements may be made within them, and when they see large sums continually going, under the idea of "promoting the general welfare," to accomplish objects which are to benefit other States, a jealousy will be excited dangerous to the peace of our country. It may be said that such a feeling is unjustifiable; however that may be, it is the part of a wise Government, and it was the design of the authors of our Constitution to guard, as far as practicable, against giving occasion to feelings of so pernicious a character.

Before he concluded, Mr. B. said, he would refer, in anticipation, to an argument which he doubted not to hear urged from certain precedents which have already been set by Congress on the general subject, and which are thought by some to cover the principle against which he was now contending.

The case of the Cumberland road was one of these precedents. It had been constructed not by any one of the State governments through whose territory it passed, but by the General Government, and at the public expense. Very true. But did not Congress, in the very act providing for this road, virtually cede the Constitutional question, by requiring the consent of those States? If the Constitution gives the Congress power to make roads where it will, "to promote the general welfare," the consent of no State, as he hoped he had already proven, can be required to the exercise of that power; and so far was President Jefferson from believing such a power to be in the possession of Government, that he expressly recommended an amendment of the Constitution in order to give it. On the same ground President Madison rested his veto to the act for giving the bonus of the United States Bank, as a fund for internal improvement; and our present worthy Chief Magistrate, although he has approved acts for the continuation and completion of the Cumberland road, made a distinction between power to appropriate for such a road, and the power of jurisdiction over it. I deny both. In conclusion, Mr. B. said, that he had endeavored to present to the House a fair, and at the same time, brief statement of his views on this subject; he had long been settled in the opinion, that, however desirable or advantageous internal improvements might be, Congress, by the Constitution, had no power to make them. He knew that other gentlemen differed widely from himself in this opinion, and he could not, and did not, entertain the slightest doubt that they were as sincere and upright in their views as he was in his; both sides of the question would doubtless be presented in argument, and it would be for the Committee to decide between them.

Mr. Holcombe, of New Jersey, rose, and observed, that the course which he should take in the discussion, would be widely different from the one pursued by the honorable gentleman from Virginia, (Mr. Barbour,) who had just taken his seat, and who had addressed the Committee with so much ingenuity and eloquence. I shall defend the Constitutional right—Mr. H. observed—and the expediency of passing this bill. The Constitutional right, indeed, in the General Government, and the expediency of appropriating the public treasure, for purposes of internal improvement, have always appeared to me propositions too obvious and irresistible to require either illustration or defence; and there is, surely, no fact in our parliamentary history more remarkable, than the successful opposition which has combatted this bill, or the principle which it involves, in every stage of its progress. Posterity will scarcely credit it; especially when the enlightened period in which we live, and the spirit of universal improvement which distinguishes it, be taken into consideration. And the fact, Mr. Chairman, can only be explained by referring it to that obliquity of the human mind, which arrays itself in opposition to all new improvements, either in physics or in morals; and to all novel and extraordinary efforts of genius or patriotism. Ridicule and contempt pursued the great Columbus from Court to Court; and persecution followed him to the grave. The grandeur and success of his enterprise were insufficient to protect him from the embittered vengeance of those, whose vain predictions he had so signally exposed. But, sir, said Mr. H., it is unnecessary to refer to history for illustration. When Fulton announced the discovery of steam-navigation, incredulity pointed to numerous failures; and ignorance asserted its folly and extravagance. But, the steamboat floats upon the waters of every civilized nation, and, if the contemplated improvement of another distinguished American be not illusory, is destined to traverse the ocean itself, for the purposes of commerce, with a celerity heretofore unprecedented, and unimagined—conquering time and space, and drawing together, within the circle of social and national intercourse, the remote and scattered families of the human race. Again, sir, when the question of the great New York Canal was first in agitation, public opinion pronounced it a project visionary and impossible. The traveller, indeed, struck with the magnificence of the enterprise, assented to its practicability, but spoke of the ages necessary for its completion. In less than six years, however, the waters of the great Lakes mingled with the Hudson! and this most brilliant and successful effort of modern genius and enterprise is rapidly hastening to its consummation. And such will be the splendid result, I will venture to predict, of the present question. It has been denounced, as unconstitutional, and opposed, as inexpedient. But, if innumerable indications and expressions of public opinion be not entirely deceptive, the period is not distant—nay, before the very decorations of this Hall shall be soiled by the hand of time—when a new policy, and new principles of legislation, shall be announced, by liberal and munificent appropriations by the General Government, for the purposes of internal improvement.

The bill, Mr. Chairman, is combatted as unconstitutional and inexpedient. I will examine both points, as briefly, but perspicuously, as I am able.

That the Constitution of the United States, in broad and express terms, has not granted to the Congress of the United States the power of appropriating the public treasure for the purposes of internal improvement, is unquestionable. But that such a power is really secured by a liberal construction of this instrument, sufficiently ample for all the purposes of legislation in relation to this question, has never been doubted by many politicians. I profess to belong to that number. And indeed I cannot conceive an idea more extravagant than that a Government should be constituted so utterly imperfect as to be incapable of appropriating its funds for any object which its constituted authorities might consider necessary for the public welfare. History furnishes no such example. And that ours is actually such a Government, must pre-suppose the most extraordinary want of foresight in a body of politicians, (the framers of the Constitution,) otherwise remarkable for the acuteness and prophetic sagacity of their views. We have been accustomed to regard, and justly too, the Constitution of the United States as the ablest effort of wisdom and virtue. But, if the doctrines of the honorable gentleman who has just taken his seat be correct, a bitterer satire upon its imperfections could scarcely be pronounced or imagined.

> "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Such, said Mr. H. is a condensed but very luminous view (its preamble) of the pervading spirit and grand design of the Constitution. But yet, sir, we are told by the honorable gentleman, that the bill under consideration, obviously and acknowledgedly indispensable to secure the public defence, and promote the general welfare, is unconstitutional! But, whatever may have been the hesitation of earlier legislators in relation to the Constitutional right of appropriating public money for objects of internal improvement, a practice or practices have grown out of the implied powers by the Constitution, which, as legitimate precedents, appear to me, as far as the present question is concerned, to be fully sufficient to remove all obscurity (if, indeed, obscurity there be) from the proper latitude of construction to be given to it. We erect lighthouses, seawalls, piers, and buoys, to facilitate commerce; we endow military schools as appendages to our military system; we construct costly edifices and establish expensive libraries, to subserve the luxury, or, if you please, the convenience of legislation, without startling the scruples or prejudices of the most sensitive. But such acts, gentlemen observe, are essential for carrying into effect powers expressly granted. And surely, upon this principle, (if no other principle permitted,) a system of internal improvement by the General Government may be sustained and defended. For are not roads and canals obviously indispensable for carrying into effect a system of public defence, as provided for by the Constitution? Indispensable, indeed, for carrying into effect the whole grand design of that immortal instrument—the security, prosperity, and happiness of the good people of these States.

The right of appropriation, together with all necessary jurisdiction and sovereignty, extends in my opinion to every act of legislation, which, though unembraced by the express letter of the Constitution, will obviously and certainly promote the public welfare. And this is the construction, I am convinced, which public opinion has given to this question. The Committee will perceive, therefore, that I do not derive the Constitutional power of appropriation in this case, as a consequent to the power of regulating internal or external commerce, or of establishing post offices and post roads, or from an extended and extravagant construction to any individual power, but rather from that general power, which appears to me incidental to, and inseparably connected with, all Governments: the power of securing the public defence and promoting the general welfare. But such a power, it is observed, has no limits; it will reach to any thing and every thing, and consequently is dangerous and in admissible. The danger, sir, is more imaginary than real. The discretion of Congress must determine its limits, as it does in relation to every other power of the Constitution, express or implied. I would not, Mr. Chairman, on this, nor on any other subject, be considered as regarding lightly the authority of the Constitution. On the contrary, as far as its powers be express and unequivocal, let them be fulfilled, even to the uttermost of their requisitions. It is, indeed, a charter so inexpressibly solemn and imposing in its obligations, that it should be approached with caution, and touched (if it be touched at all) with becoming reverence. Or rather, it is that grand temple in which is deposited the ark, not only of our own liberties, but of the hopes and liberties of the human race.

> "Long as the Coliseum stands, Rome shall stand;
> When falls the Coliseum, Rome shall fall,
> And when Rome falls, the world."

Yes, sir, equally with those opposed to the bill, I regard as sacred and obligatory, the authority of the Constitution, as far as it be express and unequivocal. And I must be permitted to avail myself of this opportunity of protesting against the extraordinary disposition manifested at this moment, to assail its integrity. And I regret exceedingly to observe the force of the powerful talents of my distinguished friend from South Carolina, (Mr. McDuffie,) arrayed against it. Amendments may be necessary; and, to a certain extent—a very limited extent, however—I believe are desirable. But with all its imperfections, it is, notwithstanding, Mr. Chairman, that august structure into which I would rather see committed the everlasting destinies of this country, than any other which the genius of man will ever be able to devise or erect. Storms may assail, and the shadows of portending dissolution will assuredly encompass it. But, as long as virtue and intelligence continue to crowd its portals and officiate at its altars, the tempest will burst harmless around it; and when the deep gloom of the moment shall break away, the symbol of the Union will still be seen, floating over it, as resplendently as ever—as uninfluenced, and unendangered, indeed, as the standard erected above us, by the storms which sometimes shake this hall to its foundations.

But, sir, the friends of this bill differ exceedingly from those opposed to us, in our manner of approaching the Constitution, for the purposes of legislation, in relation to this, as well as every other subject, involving a Constitutional question.

They appear to me to regard it (and they will pardon the freedom of the comparison) as the Eastern nations do the thrones of their princes, or the shrines of their divinities. They approach it with reverential awe, and fall down prostrated and paralyzed in its presence. We, on the contrary, putting on the panoply of a more liberal, if not a purer faith, advance fearlessly into its precincts, and legislate, if it be necessary, around its very altars; and if, in the ardor of our devotion to the public good, we should inadvertently touch the very sanctuary itself, the spirit within, we feel assured, will launch no thunderbolt to punish the indiscretion of those faithful and zealous servants who otherwise administer with pure hands and upright intentions.

This, Mr. Chairman, is neither heresy, I believe, in relation to our religious creed, nor, I presume, if properly constructed, to our political faith.

But there is a neutral ground which this subject presents, whereupon the most tender consciences might legislate without being startled with the upbraiding voice of the violated Constitution. I have never heard objections made—at least, not until lately—and never upon Constitutional grounds—to the practice of employing the military for the purposes of internal improvement; and, how easy would it be, by extending this principle, to avoid altogether the imaginary barriers of the Constitution! But why attempt to exercise, by indirection, (and I almost feel degraded for having made the suggestion,) a right which is amply secured to us by long continued usage; by the precedence of a hundred formal laws, and the universal and unequivocal spirit of the Constitution itself? But, I assert again, if the doctrines of the honorable gentleman from Virginia be correct, that the whole history of our legislation is a history of disregard and violence to the obligations of the Constitution. Does the Constitution authorize the expenditure of extravagant sums of public money for the erection of public buildings? And yet, sir, in virtue of that clause of the Constitution which authorizes Congress to erect needful buildings for its accommodation, we have appropriated, or rather, lavished, millions upon millions. For what? To decorate a spot forever disgraced and degraded in our history. To embellish edifices associated with recollections too bitter and too humbling to be capable of exciting any other emotion than that of shame or confusion in the bosom of an American citizen. I am, perhaps, touching invidious ground, and I would not be misunderstood. I presume not to censure the munificence of former laws, which have resulted in the splendor and decoration around us. But I must be permitted to observe that, if we can Constitutionally appropriate such vast sums for the erection of monuments of taste, (for mere accommodation we all know and feel is utterly out of the question,) upon what ground of right or consistency can this bill, or the system which it leads to, be opposed?—a system, I repeat again and again, indispensable for carrying into effect the great end of the Constitution — the interests, strength, and safety of the Union.

But I have lingered, Mr. Chairman, too long around the Constitution, and must hasten forward in the course before me.

I will now call the attention of the Committee to the expediency of the bill. Many gentlemen, who profess to have no Constitutional scruples on this subject, are, nevertheless, opposed to it on the grounds of expediency. The time has not arrived, they observe, when we can profitably engage in a system of this description; that the state of the Treasury and public opinion are opposed to it. I differ from such gentlemen, and will proceed to state my reasons for urging it upon the immediate attention of the Government.

The bill, it will be seen, contemplates no appropriation for roads and canals. It merely embraces that kind of statistical information, which it is the duty of every Government to collect. The surveys, it will not be concealed, are intended to be preparatory to a general system of internal improvement, by the Government. In the course of two years, it is supposed, the surveys may be completed; after which we shall be enabled to commence the system with every desirable advantage.

The bill bears but slightly on the Treasury. But were the Treasury even bankrupted at this moment, I know of no method better calculated to redeem its credit, and fix it upon a basis, permanent and irreversible, than the improvement of our vast domain by the means suggested. I am indebted for this remark to the honorable chairman of the committee who reported the bill.

The direct advantages which accrue to the public Treasury by the creation of outlets and markets for a rich and fertile country, to use common language, is incalculable. I do not believe that I trespass much on probability, when I assert that the great canal in the State of New York, by means of its influence upon importations, has already added to the Treasury of the United States little less than millions! Yes, sir, millions. And if the credulity of gentlemen be startled by the assertion, the slightest attention to the fact, I flatter myself, will convince them of its accuracy.

New York is destined to reap a golden harvest from their great work—and great and golden may it be, beyond even the dreams of the most sanguine of her economists—but, great as it certainly will be, it must, nevertheless, be limited, indeed, compared with the immense profits to be realized from it by the General Government; but, in this view of the subject, I differ, it seems, very widely from the gentleman who has just taken his seat; time must test the truth of our respective opinions. And I shall be much disappointed, and will frankly confess myself entirely ignorant of the nature and influences of its internal improvement, if this great work, when completed, do not prove more profitable to the revenue of the United States than the whole of our trade at this moment is, with the continent of Europe. Works of this description triumph over the improvidence of nature, and create communities which, independently of them, could have no possible existence. The Territory of Michigan, for example, has long been a useless and expensive appendage to the Government. But the magic of internal improvement is about to reach it; and this fine Territory is destined soon to be admitted into the Union, a rich and populous State.

The effect, Mr. Chairman, of such works upon existing communities, is great beyond all belief. In England, before the introduction of canal navigation, not a point in the kingdom was more than thirty miles distant from water carriage, and her roads were excellent. With such facilities for internal communication, it was to be presumed that canals would prove of little, if any, benefit to the kingdom. But, in despite of all such facts and considerations, there is no country in the world, with the exception, perhaps, of Holland, which has been so extensively enriched by canal navigation; the profits of canal stock, as we are assured by the gentleman from Pennsylvania, have far exceeded, in many instances, all hope and all calculation—realizing to proprietors the wealth of the most stimulated South-sea dreams—for I can think of nothing else wherewith to make the comparison.

I would not here, Mr. Chairman, nor elsewhere, be the advocate of any measure, either visionary or extravagant. But such is my confidence in the influence of roads and canals, in creating revenue, and establishing the power and wealth of nations, that, were the Treasury at this moment empty, I would conscientiously advocate the passage of a bill, loaning the amount of money necessary to carry into effect a general system of internal improvement; calculating, confidently, that the sacrifice, if sacrifice indeed it can be termed, would be recompensed to the Treasury a hundred fold. A sum which will little exceed the sum which will be necessary to complete the New York canal, would open an inland sloop navigation along the seaboard of this country, upwards of eight hundred miles in extent; connect the valley of the Ohio with the Chesapeake, remove obstructions from all principal rivers in the Union, and extend the great national road to the banks of the Mississippi—in fact, would effect every object of internal improvement at present in contemplation! And is any gentleman prepared to rise in his place and maintain that the increase of revenue to the public Treasury, consequent upon these works, independently of ordinary profits, would not greatly transcend the interest which would accrue upon the sum just suggested, or upon any other sum necessary to complete a general system of internal improvement? I presume not.

But, sir, there is no necessity for resorting to loans for internal improvement, nor of making it a charge upon the ordinary revenue. I intend, if I am not anticipated, (but I hope and trust I shall be,) to urge upon the consideration of this Congress, the expediency of establishing an internal revenue, to be pledged exclusively for the purposes of internal improvement. The revenue to be derived principally from an excise upon domestic spirits; thus forcing a great national evil to contribute towards a great national benefit. This, Mr. Chairman, is no visionary project, but rather a great interest within the reach of the most ordinary efforts. But, sir, it is observed, if these objects be as important and profitable as represented, that the States will execute them; that such works belong exclusively to the States. The remark, to a certain extent, is correct. The States will execute, at least, a part of them. But mark the difference of execution! The States will construct small commercial canals, accommodated to their immediate wants, without the slightest regard to national considerations. I would not, Mr. Chairman, trespass unnecessarily upon the rights, the province, or the sensibilities of the States. But, it must be notorious to every one who reflects for a moment upon this subject, that there are numerous objects of internal improvement which the States have not, nor ever can have, either the disposition or the ability to execute. Will the States ever open a sloop navigation through the Isthmus of Barnstable? Will the States ever construct canals of dimensions capable of transmitting ships of war through the State of New Jersey? Or from the Delaware to the Chesapeake bay? Will the States ever connect the great flood of the Mississippi with the seaboard of the Atlantic States; or extend the great national road beyond the Ohio? And yet these, sir, are objects of deep and universal interest, whether regarded in relation to public defence, or as efficient means of promoting the general welfare, strength, and permanence, of the Union.

But the time, Mr. Chairman, is particularly propitious for commencing a system of internal improvement. Talent and experience we possess in abundance. Peace, too, waves her olive over us. And it is during the tranquillity of peace alone that monuments of useful industry can be profitably erected. But, tranquil as the moment is, it is, unhappily, passing away. Clouds and shadows already hang upon it. Future wars, I need not remark, are certain. All experience, indeed, points to their recurrence as unavoidable. Let us prepare for them. And the necessity of roads and canals, as constituting an important part of this preparation, need not be urged upon the conviction of the Committee. The want of them during the late war, it will never be forgotten, lost to the Republic thousands of lives and millions of treasure.

But, the expediency of the bill may be further inferred from our facilities and capabilities for internal improvement, upon a scale the most extended and magnificent. The impress of the highest destinies is visible in every section of the Republic. Allow me, Mr. Chairman, to call your attention to some remarkable features in our geography, which appear to me so legitimately connected with this subject, that I cannot consent, in this discussion, to pass them by unnoticed—familiar as they must be, and, indeed, necessarily are, to every member of the Committee. But, who has ever refused to gaze again on the beauties of a splendid picture? particularly the picture which represents the land of his highest hopes, and the home of his best affections.

I pass by the rivers of the Atlantic States—the great bays, the vast estuaries of the seaboard. Look Westward. Upwards of two thousand miles from this Hall, commences a chain of lakes and inland seas, which constitute our northern boundary, and which, after traversing the centre of an immense valley, still unsurveyed, and partially unknown, contracts into the great river of the North, the mighty St. Lawrence; which would roll with all its treasures to the ocean amidst the accumulated Winter of the frozen circle. But, arrested by the enterprise of the State of New York, its current, as far as the purposes of commerce are concerned, is directed Eastward, and is destined, before the revolution of another year, to mingle with the waters of the Atlantic, in the centre of the temperate zone! The most brilliant triumph which the art of man has ever achieved over the dispositions of nature.

Again, sir, from the bosom of a wilderness, in the State of New York, near the borders of Lake Erie, gushes the fountain of the Ohio. Between five and six thousand miles from thence, (pursuing the windings of their respective courses,) within the recesses of the Rocky Mountains, issue the springs of the great Missouri; these noble streams, flowing towards each other, Eastward and Westward, and collecting, in their progression, the tribute of a thousand valleys, are at length lost in the vast flood of the Mississippi, which, pursuing its majestic course towards the ocean, and swelled in its progress by the accession of numerous rivers, more extensive than any of the kingdoms of Europe, rolls its mighty waters into the Gulf of Mexico. The noblest tribute paid by the earth to the ocean, in the four quarters of the globe! Is not this, Mr. Chairman, a domain worth improving—a country worth legislating for? But, sir, I must close my remarks more abruptly than I had intended. I am exhausted.

From the Eighteenth Congress, much is expected in relation to internal improvement. It represents a new era in our politics. It represents millions of freemen, who, for the first time, have exercised their rights and realized their political existence upon this floor; and who, from the peculiarity of their situation, (being principally the inhabitants of frontier States,) must necessarily feel the deepest interest in the consummation of a system, one of the first objects of which is to obviate the inconveniences of location, and draw the extremities of the Union within the immediate neighborhood of our great outlets and markets.

Legislation, in many countries, oftentimes betrays the poverty of their resources. Here, on the contrary, it can effect every thing but miracles. Before its exercise, the mountains disappear, and the valleys swell into the plains, the beds of navigable streams. Such, however, are ordinary attributes. Legislation, moreover, from this Hall, can speak, almost instantaneously, into existence, rich and powerful States; and, by its magical influences upon wealth and population, can throw around the institutions and enterprise of the present moment, the splendor of those high destinies which are evidently reserved for these States in the progress of ages.

Let therefore the present bill pass, as preparatory to a general system of internal improvement; and let this system be pursued until all its great objects be fully accomplished—and it hath never entered, Mr. Chairman, into the imagination of the statesman or economist to conceive a spectacle more glorious and magnificent, than our vast domain, at no distant period, shall exhibit; crowded and embellished, as it assuredly will be, with innumerable monuments of useful industry, enterprise, and happiness.

When Mr. HOLCOMBE had concluded—

On suggestion of Mr. CLAY, who is, therefore, entitled to the floor, the Committee rose; and the House adjourned.

WEDNESDAY, February 14.

The SPEAKER laid before the House a report from the Secretary of War, on the memorial of the Legislature of the Territory of Arkansas, respecting the lands occupied by the Quapau Indians, in said Territory; which report was read, and referred to the Committee of Ways and Means.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject had been referred, reported a bill to provide for the speedy extinguishment of the debt due by the purchasers of the public lands, prior to the 1st day of July, 1820; which bill was read twice, and committed to a Committee of the Whole.

Mr. SCOTT, from the same committee, made an unfavorable report on the petition of the members of the Baptist Church, in Lawrence county, in the State of Alabama; which was read, and laid on the table.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to which was referred, on the 12th of December ultimo, the petition of certain inhabitants of the county of Mobile, in the State of Alabama, reported a bill granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida, included in the district of Jackson Courthouse; which bill was read twice, and committed to a Committee of the Whole.

On motion of Mr. ROSS, the petition and documents of James Smith, late Paymaster, &c., of Ohio militia, presented at the last session of Congress, and referred to the Committee of Claims, together with a report made by said committee, were again referred to the Committee of Claims.

On motion of Mr. OWEN, the Committee on the Public Lands were instructed to inquire into the justice and expediency of granting additional compensation to the register and receiver of the land office for the district of Jackson Courthouse, in the State of Mississippi, for extra services performed by them as commissioners for the adjustment of private land claims.

SURVEYS FOR ROADS AND CANALS.

The House went into Committee of the Whole, Mr. FOOT, of Connecticut, in the Chair, on the unfinished business of yesterday; which was, the motion of Mr. BARBOUR to strike out the enacting clause of the bill reported by Mr. HEMPHILL, Chairman of the Committee on Roads and Canals, to obtain the requisite surveys and plans on that subject.

Mr. CLAY, (Speaker,) in rising, said, that he could not enter on the discussion of the subject before him, without first asking leave to express his thanks for the kindness of the Committee in so far accommodating him as to agree unanimously to adjourn its sitting to the present time, in order to afford him the opportunity of exhibiting his views; (which, however, he feared he should do very unacceptably.) As a requital for this kindness, he would endeavor, as far as was practicable, to abbreviate what he had to present to their consideration. Yet, on a question of this extent and moment, there were so many topics which demanded a deliberate examination, that, from the nature of the case, it would be impossible, he was afraid, to reduce the argument to any thing that the Committee would consider a reasonable compass.

It was known to all who heard him, that there had now existed for several years a difference of opinion between the Executive and Legislative branches of this Government, as to the nature and extent of certain powers conferred upon it by the Constitution. Two successive Presidents had returned to Congress bills which had previously passed both Houses of that body, with a communication of the opinion that Congress, under the Constitution, possessed no power to enact such laws. High respect, personal and official, must be felt by all, as it was due, to those distinguished officers, and to their opinions thus solemnly announced; and the most profound consideration belonged to our present Chief Magistrate, who had favored that House with a written argument, of great length and labor, consisting of not less than sixty or seventy pages, in support of his exposition of the Constitution. From the magnitude of the interests involved in the question, all would readily concur, that, if the power is granted and does really exist, it ought to be vindicated, upheld, maintained, that the country might derive the great benefits which may flow from its prudent exercise. If it has not been communicated to Congress, then all claim to it should be, at once, surrendered. It was a circumstance of peculiar regret to him, that one more competent than himself had not risen to support the course which the legislative department had heretofore felt itself bound to pursue on this great question. Of all the trusts which are created by human agency, that is the highest, most solemn, and most responsible, which involves the exercise of political power. Exerted when it has not been intrusted, the public functionary is guilty of usurpation. And his infidelity to the public good is not, perhaps, less culpable when he neglects or refuses to exercise a power which has been fairly conveyed, to promote the public prosperity. If the power which he thus forbears to exercise, can only be exerted by him—if no other public functionary can employ it, and the public good requires its exercise, his treachery is greatly aggravated. It is only in those cases where the object of the investment of power is the personal ease or aggrandizement of the public agent, that his forbearance to use it is praiseworthy, gracious, or magnanimous.

He was extremely happy to find, that, on many of the points of the argument of the honorable gentleman from Virginia, (Mr. Barbour,) there was entire concurrence between them, widely as they differed in their ultimate conclusions. On this occasion (as on all others on which that gentleman obliged the House with an expression of his opinions) he displayed great ability and ingenuity; and, as well from the matter as from the respectful manner of his argument, it was deserving of the most thorough consideration. He was compelled to differ from that gentleman at the very threshold. He had commenced by laying down as a general principle, that, in the distribution of powers among our Federal and State governments, those which were of a municipal character were to be considered as appertaining to the State governments, and those which related to external affairs, to the General Government. If he might be allowed to throw the argument of the gentleman into the form of a syllogism, (a shape which he presumed would be quite agreeable to him,) it amounted to this: Municipal powers belong exclusively to the State governments; but the power to make internal improvements is municipal; therefore it belongs to the State governments alone. He (Mr. C.) denied both the premises and the conclusion. If the gentleman had affirmed that certain municipal powers, and the great mass of them, belong to the State governments, his proposition would have been incontrovertible. But if he had so qualified it, it would not have assisted the gentleman at all in his conclusion. But surely the power of taxation—the power to regulate the value of coin—the power to establish an uniform standard of weights and measures—to establish post offices and post roads—to regulate commerce among the several States—that in relation to the judiciary, besides many other powers indisputably belonging to the Federal Government, are strictly municipal. If, as he understood the gentleman in the course of the subsequent part of his argument to admit, some municipal powers belong to the one system, and some to the other, we shall derive very little aid from the gentleman's principle, in making the discrimination between the two. The question must ever remain open, whether any given power, and of course that in question, is or is not delegated to this Government or retained by the States?

The conclusion of the gentleman is, that all internal improvements belong to the State governments; that they are of a limited and local character, and are not comprehended within the scope of the federal powers, which relate to external or general objects. That many, perhaps most internal improvements, partake of the character described by the gentleman, he, Mr. C., should not deny. But it was no less true that there were others, emphatically national, which neither the policy, nor the power, nor the interest, of any State would induce it to accomplish, and which could only be effected by the application of the resources of the nation. The improvement of the navigation of the Mississippi would furnish a striking example. This was undeniably a great and important object. The report of a highly scientific and intelligent officer of the Engineer Corps, (which Mr. C. hoped would be soon taken up and acted upon) had shown that the cost of any practicable improvement in the navigation of that river, in the present state of the inhabitants of its banks, was a mere trifle in comparison to the great benefits which would accrue from it. He, Mr. Clay, believed that about double the amount of the loss of a single steamboat and cargo, (the Teneseee) would effect the whole improvement in the navigation of that river, which ought to be at this time attempted. In this great object twelve States and two Territories were, in different degrees, interested. The power to effect the improvement of that river was surely not municipal, in the sense in which the gentleman used the term. If it were, to which of the twelve States and two Territories concerned did it belong? It was a great object, which could only be effected by a Confederacy. And here is existing that Confederacy, and no other can lawfully exist; for the Constitution prohibits the States, immediately interested, from entering into any treaty or compact with each other. Other examples might be given to show, that, if even the power existed, the inclination to exert it would not be felt, to effectuate certain improvements eminently calculated to promote the prosperity of the Union. Neither of the three States, nor all of them united, through which the Cumberland road passes, would ever have erected that road. Two of them would have thrown in every impediment to its completion in their power. Federative in its character, it could only have been executed so far by the application of federative means. Again: the contemplated canal through New Jersey; that to connect the waters of the Chesapeake and Delaware; that to unite the Ohio and the Potomac, were all objects of a general and federative nature, in which the States, through which they might severally pass, could not be expected to feel any such special interest as would lead to their execution. Tending, as undoubtedly they would do, to promote the good of the whole, the power and the treasure of the whole must be applied to their execution, if they are ever consummated.

Mr. CLAY did not think, then, that we should be at all assisted in expounding the Constitution of the United States, by the principle which the gentleman from Virginia had suggested in respect to municipal powers. The powers of both governments were undoubtedly municipal, often operating upon the same subject. He thought a better rule than that which the gentleman furnished for interpreting the Constitution might be deduced from an attentive consideration of the peculiar character of the Articles of Confederation, as contrasted with that of the present Constitution. By those articles, the powers of the thirteen United States were exerted collaterally. They operated through an intermediary. They were addressed to the several States, and their execution depended upon the pleasure and the co-operation of the States individually. The States seldom fulfilled the expectations of the General Government in regard to its requisitions, and often wholly disappointed them. Languor and debility, in the movement of the old Confederation, were the inevitable consequence of that arrangement of power. By the existing Constitution, the powers of the General Government act directly on the persons and things within its scope, without the intervention or impediments incident to any intermediacy. In executing the great trust which the Constitution of the United States creates, we must, therefore, reject that interpretation of its provisions which would make the General Government dependent upon those of the States for the execution of any of its powers; and may safely conclude that the only genuine construction would be that which should enable this Government to execute the great purposes of its institution, without the co-operation, and, if indispensably necessary, even against the will of any particular State. This is the characteristic difference between the two systems of government, of which we should never lose sight. Interpreted in the one way, we shall relapse into the feebleness and debility of the old Confederacy. In the other, we shall escape from its evils, and fulfil the great purposes which the enlightened framers of the existing Constitution intended to effectuate. The importance of this essential difference in the two forms of government, would be shown in the future progress of the argument.

Before he proceeded to comment upon those parts of the Constitution which appeared to him to convey the power in question, he hoped he should be allowed to disclaim, for his part, several sources whence others had deduced the authority. The gentleman from Virginia seemed to think it remarkable that the friends of the power should disagree so much among themselves; and to draw a conclusion against its existence from the fact of this discrepancy. But he (Mr. C.) could see nothing extraordinary in this diversity of views. What was more common than for different men to contemplate the same subject under various aspects? Such was the nature of the human mind, that enlightened men, perfectly upright in their intentions, differed in their opinions on almost every topic that could be mentioned. It was rather a presumption in favor of the cause which he was humbly maintaining, that the same result should be attained by so many various modes of reasoning. But, if contrariety of views might be pleaded with any effect against the advocates of the disputed power, it equally availed itself against their opponents. There was, for example, not a very exact coincidence in opinion between the President of the United States and the gentleman from Virginia. The President says, (page 25 of his book,) "the use of the existing road by the 'stage, mail-carrier, or post boy, in passing over 'it, as others do, is all that would be thought of; 'the jurisdiction and soil remaining to the State, 'with a right in the State, or those authorized by 'its Legislature, to change the road at pleasure." Again, page 27, the President asks, "If the United States possessed the power contended for 'under this grant, might they not, in adopting 'the roads of the individual States, for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them?" They both agree that the General Government does not possess the power. The gentleman from Virginia admits, if he (Mr. C.) understood him correctly, that the designation of a State road as a post road, so far withdrew it from the jurisdiction of the State that it could not be afterwards put down or closed by the State; and in this he claims for the General Government more power than the President concedes to it. The President, on the contrary, pronounces that "the absurdity of such a pretension" (that is, preventing, by the designation of a post road, the power of the State from altering or changing it) "must be apparent to all who examine it." The gentleman thinks that the designation of a post road withdraws it entirely, so far as it is used for that purpose, from the power of the whole State; whilst the President thinks it absurd to assert that a mere county court may not defeat the execution of a law of the United States. The President thinks that under the power of appropriating the money of the United States, Congress may apply it to any object of internal improvement, provided it does not assume any territorial jurisdiction; and, in this respect, he claims for the General Government more power than the gentleman from Virginia assigns to it. And he (Mr. C.) must own that he so far coincided with the gentleman from Virginia. If the power can be traced to no more legitimate source than to that of appropriating the public treasure, he yielded the question.

The truth is, that there is no specific grant in the Constitution of the power of appropriation; nor was any such requisite. It is a resulting power. The Constitution vests in Congress the power of taxation, with but few limitations, to raise a public revenue. It then enumerates the powers of Congress. And it follows, of necessity, that Congress has the right to apply the money so raised to the execution of the powers so granted. The clause which concludes the enumeration of the granted powers, by authorizing the passage of all laws "necessary and proper" to effectuate them, comprehends the power of appropriation. And the framers of the Constitution recognise it by the restriction that no money shall be drawn from the Treasury but in virtue of a previous appropriation by law. It was to him wonderful how the President should have brought his mind to the conclusion that, under the power of appropriation, thus incidentally existing, a right could be set up, in its nature almost without limitation, to employ the public money. He combats with great success and much ability any deduction of power from the clause relating to the general welfare. He shows that the effect of it would be to overturn, or render useless and nugatory, the careful enumeration of our powers; and that it would convert a cautiously limited Government into one without limitation. The same process of reasoning by which his mind was brought to this just conclusion, one would have thought, should have warned him against his claiming, under the power of appropriation, such a vast latitude of authority. He reasons strongly against the power, as claimed by us, harmless and beneficent and limited, as it must be admitted to be, and yet he sets up a power boundless in its extent, unrestrained to the object of internal improvements, and comprehending the whole scope of human affairs. For, if the power exists, as he asserts it, what human restraint is there upon it? He does, indeed, say, that it cannot be exerted so as to interfere with the territorial jurisdiction of the States. But this is a restriction altogether gratuitous, flowing from the bounty of the President, and not found in the prescriptions of the Constitution. If we have a right, indefinitely, to apply the money of the Government to internal improvements, or to any other object, what is to prevent the application of it to the purchase of the sovereignty itself, of a State, if a State were mean enough to sell its sovereignty, to the purchase of kingdoms, empires, the globe itself? With an almost unlimited power of taxation; and, after the revenue is raised, with a right to apply it under no other limitations than those which the President's caution has suggested, he could not see what other human power was needed. It had been said by Cæsar or Bonaparte, no doubt thought by both, that with soldiers enough they could get money enough, and with money enough they could command soldiers enough. According to the President's interpretation of the Constitution, one of these great levers of public force and power is possessed by this Government. The President seems to contemplate, as fraught with much danger, the power, humbly as it is claimed, to effect the internal improvement of the country. And, in his attempt to overthrow it, sets up one of infinitely greater magnitude. The quantum of power which we claim over the subject of internal improvement is, it is true, of greater amount and force than that which results from the President's view of the Constitution; but then it is limited to the object of internal improvements, whilst the power set up by the President has no such limitation, and in effect, as Mr. C. conceived, has no limitation whatever, but that of the ability of the people to bear taxation.

With the most profound respect for the President, and after the most deliberate consideration of his argument, Mr. C. could not agree with him. He could not think that any political power accrued to this Government, from the mere authority which it possessed to appropriate the public revenue. The power to make internal improvements drew after it, most certainly, the right to appropriate money to consummate the object. But he could not conceive that this right of appropriation drew after it the power of internal improvements. The appropriation of money was consequence, not cause. It follows: it does not precede. According to the order of nature, we first determine upon the object to be accomplished, and then appropriate the money necessary to its consummation. According to the order of the Constitution, the power is defined, and the application, that is, the appropriation of the money requisite to its effectuation, follows, as a necessary and proper means. The practice of Congressional legislation was conformable to both. We first inquire what we may do, and provide by law for its being done; and we then appropriate, by another act of legislation, the money necessary to accomplish the specified object. The error of the argument lies in its beginning too soon. It supposes the money to be in the Treasury, and then seeks to disburse it. But how came it there? Congress cannot impose taxes without an object. Their imposition must be in reference to the whole mass of our powers, to the general purposes of Government, or with the view to the fulfilment of some one of those powers, or to the attainment of some one of those purposes. In either case, we consult the Constitution, and ascertain the extent of the authority which is confided to us. We cannot, Constitutionally, lay the taxes without regard to the extent of our powers; and then, having acquired the money of the public, appropriate it, because we have got it, to any object indefinitely.

Nor did he claim the power in question from the consent or grant of any particular State or States, through which an object of internal improvement might pass. It might, indeed, be prudent to consult a State through which such an improvement might happen to be carried, from considerations of deference and respect to its sovereign power; and from a disposition to maintain those relations of perfect amity which are ever desirable, between the General and State Governments. But the power to establish the improvement must be found in the Constitution, or it does not exist. And what is granted by all it cannot be necessary to obtain the consent of some to perform.

The gentleman from Virginia, in speaking of incidental powers, had used a species of argument which he intreated him candidly to reconsider. He had said that the chain of cause and effect was without end; that if we argued from a power expressly granted to all others, which might be convenient or necessary to its exertion, there were no bounds to the power of this Government; that, for example, under the power "to provide and maintain a navy," the right might be assumed to the timber necessary to its construction, and the soil on which it grew. The gentleman might have added, the acorns from which it sprung. What, upon the gentleman's own hypothesis, ought to have been his conclusion? That Congress possessed no power to provide and maintain a navy. Such a conclusion would have been quite as logical as that Congress has no power over internal improvements, from the possible lengths to which this power may be pushed. No one ever had or could controvert the existence of incidental powers. We may apply different rules for their extraction, but all must concur in the necessity of their actual existence. They result from the imperfections of our nature, and from the utter impossibility of foreseeing all the turns and vicissitudes in human affairs. They cannot be defined. Much is attained when the power, the end, is specified and guarded. Keeping that constantly in view, the means necessary to its attainment must be left to the sound and responsible discretion of the public functionary. Intrench him as you please, employ what language you may, in the Constitutional instrument, "necessary and proper," "indispensably necessary," or any other, and the question is still left open, does the proposed measure fall within the scope of the incidental power, circumscribed as it may be? Your safety against abuse must rest in his interest, his integrity, his responsibility, to the exercise of the elective franchise; finally, in the ultimate right, when all other redress fails, of an appeal to the remedy, to be used only in extreme cases, of forcible resistance against intolerable oppression.

Doubtless, by an extravagant and abusive enlargement of incidental powers, the State governments may be reduced within too narrow limits. Take any power, however incontestably granted to the General Government, and employ that kind of process of reasoning in which the gentleman from Virginia is so skilful, by tracing it to its remotest effects, you may make it absorb the powers of the State governments. Pursue the opposite course; take any incontestable power belonging to the governments, and follow it out into all its possible ramifications, and you may make it thwart and defeat the great operations of the government of the whole. This is the consequence of our systems. Their harmony is to be preserved only by forbearance, liberality, practical good sense, and mutual concession. Bring these dispositions into the administrations of our various institutions, and all the dreaded conflicts of authorities will be found to be perfectly imaginary.

He said that he disclaimed, for himself, several sources to which others had ascended to arrive at the power in question. In making this disclaimer, he meant to cast no imputation on them. He was glad to meet them, by whatever road they travelled, at the point of a Constitutional conclusion. Nor did their positions weaken his; on the contrary, if correctly taken, and his, also, were justified by fair interpretation, they added strength to his. But he felt it his duty, frankly and sincerely, to state his own views of the Constitution. In coming to the ground on which, said Mr. C., I make my stand to maintain the power, and where I am ready to meet its antagonists, I am happy, in the outset, to state my hearty concurrence with the gentleman from Virginia in the old, 1798, republican principles, (now become federal, also,) by which the Constitution is to be interpreted. I agree with him that this is a limited Government; that it has no powers but the granted powers; and that the granted powers are those which are expressly enumerated, or such as, being implied, are necessary and proper to effectuate the enumerated powers. And, if I do not show the power over federative, national, internal improvements to be fairly deducible, after the strictest application of these principles, I entreat the Committee unanimously to reject the bill. The gentleman from Virginia has rightly anticipated that, in regard to roads, I claim the power, under the grant, to establish post offices and post roads. The whole question on this part of the subject turns upon the true meaning of this clause, and that again upon the genuine signification of the word "establish." According to my understanding of it, the meaning of it is, to fix, to make firm, to build. According to that of the gentleman from Virginia, it is to designate, to adopt. Grammatical criticism was, to me, always unpleasant, and I do not profess to be any proficient in it. But I will confidently appeal, in support of my definition, to any vocabulary whatever of respectable authority, and to the common use of the word. That it could not mean only adoption was to me evident; for adoption pre-supposes establishment, which is precedent in its very nature.

That which does not exist, which is not established, cannot be adopted. There was, then, an essential difference between the gentleman from Virginia and me. I consider the power as original and creative; he as derivative, adoptive. But I will show, out of the mouth of the President himself, who agrees with the gentleman from Virginia, as to the sense of this word, that what I contend for is its genuine meaning. The President, in almost the first lines of his Message to this House, of the 4th of May, 1822, returning the Cumberland bill with his veto, says, "a power to 'establish turnpikes, with gates and tolls, &c., 'implies a power to adopt and execute a complete system of internal improvement." What is the sense in which the word "establish" is here used? Is it not creative? Did the President mean to adopt or designate some pre-existing turnpikes, with gates, &c., or, for the first time, to set them up under the authority of Congress? Again, the President says, "if it exist as to one 'road, [that is, the power to lay duties of transit, 'and to take the land on a valuation,] it exists as 'to any other, and to as many roads as Congress 'may think proper to 'establish.'" In what sense does he here employ the word? The truth is, that the President could employ no better than the Constitutional word, and he is obliged to use it in the precise sense for which I contend. But I go to a higher authority than that of the Chief Magistrate—to that of the Constitution itself. In expounding that instrument, we must look at all its parts; and if we find a word, the meaning of which it is desirable to obtain, we may safely rest upon the use which has been made of the same word in other parts of the instrument. The word "establish" is one of frequent recurrence in the Constitution; and I venture to say that it will be found uniformly to express the same idea. In the clause enumerating our powers, Congress has power "to establish an uniform rule of naturalization," &c. In the preamble, "We, the people 'of the United States, in order to form a more 'perfect union, establish justice, &c., do ordain 'and establish this Constitution," &c. What pre-existing code of justice was adopted? Did not the people of the United States, in this high, sovereign act, contemplate the construction of a code adapted to their federal condition? The sense of the word, as contended for, was self-evident when applied to the Constitution.

But let us look at the nature, object, and purposes of the power. The trust confided to Congress was one of the most beneficial character. It was the diffusion of information among all the parts of this Republic. It was the transmission and circulation of intelligence; it was to communicate knowledge of the laws and acts of Government; and to promote the great business of society in all its relations. This was a great trust, capable of being executed in a highly salutary manner. It could be executed only by Congress, and it should be as well performed as it could be, considering the wants and exigencies of Government. And here I beg leave to advert to the principle which I some time ago laid down, that the powers granted to this Government are to be carried into execution by its own inherent force and energy, without necessary dependence upon the State governments. If my construction secures this object; and if that of my opponents places the execution of this trust at the pleasure and mercy of the State governments, we must reject theirs and assume mine. But the construction of the President does make it so dependent. He contends that we can only use as post roads those which the States shall have previously established; that they are at liberty to alter, to change, and of course to shut them up at pleasure. It results from this view of the President, that any of the great mail routes now existing, that, for example, from South to North, may be closed at pleasure or by caprice, by any one of the States or its authorities through which it passes—by that of Delaware or any other. Is it possible that the construction of the Constitution can be correct, which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation by any one of the twenty-four Sovereignties? The gentleman from Virginia, it is true, denies the right of a State to close a road which has been designated as a post road. But suppose the State, no longer having occasion to use it for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the State be compelled to repair it? No! the gentleman from Virginia must say and I will say. May not the General Government repair this road which is abandoned by the State power? May it not repair it in the most efficacious manner? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the State to protect and defend? Or does the gentleman mean to contend that a road may exist in the statute book, which a State will not, and the General Government cannot, repair and improve? And what sort of an account should we render to the people of the United States of the execution of the high trust confided, for their benefit, to us, if we were to tell them that we had failed to execute it, because a State would not make a road for us?

The roads, and other internal improvements of States, are made in reference to their individual interests. It is the eye only of the whole, and the power of the whole that can look to the interests of all. In the infancy of the Government, and in the actual state of the public Treasury, it may be the only alternative left us to use those roads, which are made for State purposes, to promote the national object, ill as they may be adapted to it. It may never be necessary to make more than a few great national arteries of communication, leaving to the States the lateral and minor ramifications. Even these should only be executed, without pressure upon the resources of the country, and according to the convenience and ability of Government. But, surely, in the performance of a great national duty imposed upon this Government, which has for its object the distribution of intelligence, civil, commercial, literary, and social, we ought to perform the substance of the trust, and not content ourselves with a mere paper inefficient execution of it. If I am right in these views, the power to establish post roads being in its nature original and creative, and the Government having adopted the roads made by State means only from its inability to exert the whole extent of its authority, the controverted power is expressly granted to Congress, and there is an end of the question.

It ought to be borne in mind that this power over roads was not contained in the Articles of Confederation, which limited Congress to the establishment of post offices; and that the general character of the present Constitution, as contrasted with those articles, is that of an enlargement of power. But, if the construction of the opposite side be correct, we are left precisely where the Articles of Confederation left us, notwithstanding the additional words contained in the present Constitution. What, too, will the gentleman do with the first member of the clause to establish post offices? Must Congress adopt, designate, some pre-existing office, established by State authority? But there is none such. May it not, then, fix, build, create, *establish* offices of its own?

The gentleman from Virginia sought to alarm us by the awful emphasis with which he set before us the total extent of post roads in the Union. Eighty thousand miles of post roads! exclaimed the gentleman; and will you assert, for the General Government, jurisdiction, and erect turnpikes on such an immense distance? Not to-day, nor to-morrow. But this Government is to last, I trust, forever; we may, at least, hope it will endure until the wave of population, cultivation, and intelligence, shall have washed the Rocky mountains and mingled with the Pacific. And may we not, also, hope that the day will arrive when the improvements and the comforts of social life shall spread over the wide surface of this vast continent? All this is not to be suddenly done. Society must not be burdened or oppressed. Things must be gradual and progressive. The same species of formidable array which the gentleman makes, might be exhibited in reference to the construction of a navy, or any other of the great purposes of Government. We might be told of the fleets and vessels of great maritime Powers which whiten the ocean, and triumphantly asked if we should vainly attempt to cope with or rival that tremendous power? And we should shrink from the effort, if we were to listen to his counsels, in hopeless despair. Yes, sir, it is a subject of peculiar delight to me to look forward to the proud and happy period, distant as it may be, when circulation and association between the Atlantic and the Pacific and the Mexican Gulf, shall be as free and perfect as they are at this moment in England, or in any other the most highly improved country on the globe. In the mean time, without bearing heavily upon any of our important interests, let us apply ourselves to the accomplishment of what is most practicable and immediately necessary.

But what most staggers my honorable friend, is the jurisdiction over the sites of roads and other internal improvements, which he supposes Congress might assume; and he considers the exercise of such a jurisdiction as furnishing the just occasion for serious alarm. Let us analyze the subject. Prior to the erection of a road under the authority of the General Government, there existed, in the State through which it passes, no actual exercise of jurisdiction over the ground which it traverses as a road. There was only the possibility of the exercise of such a jurisdiction when the State should, if ever, erect such a road. But the road is made by the authority of Congress, and out of the fact of its erection arises a necessity for its preservation and protection. The road is some thirty or fifty or sixty feet in width, and with that narrow limit passes through a part of the territory of the State. The capital expended in the making of the road incorporates itself with and becomes a part of the permanent and immovable property of the State. The jurisdiction which is claimed for the General Government, is that only which relates to the necessary defence, protection, and preservation, of the road. It is of a character altogether conservative. Whatever does not relate to the existence and protection of the road remains with the States. Murders, trespasses, contracts, all the occurrences and transactions of society upon the road, not affecting its actual existence, will fall within the jurisdiction of the civil or criminal tribunals of the State, as if the road had never been brought into existence. How much remains to the State? How little is claimed for the General Government? Is it possible that a jurisdiction so limited, so harmless, so unambitious, can be regarded, as seriously alarming to the sovereignty of the States? Congress now asserts and exercises, without contestation, a power to protect the mail in its transit, by the sanction of all suitable penalties. The man who violates it is punished with death or otherwise, according to the circumstances of the case. This power is exerted as incident to that of establishing post offices and post roads. Is the protection of a thing in transitu a power more clearly deducible from the grant, than that of facilitating, by means of a practicable road, its actual transportation? Mails certainly imply roads, roads imply their own preservation, their preservation implies the power to preserve them; and the Constitution tells us, in express terms, that we shall establish the one and the other.

In respect to cutting canals, I admit the question is not so clear as in regard to roads. With respect to these, as I have endeavored to show, the power is expressly granted. In regard to canals, it appears to me to be fairly comprehended in, or deducible from, certain granted powers. Congress has power to regulate commerce with foreign nations and among the several States. Precisely the same measure of power which is granted in the one case is conferred in the other. And the uniform practical exposition of the Constitution, as to the regulation of foreign commerce, is equally applicable to that among the several States. Suppose, instead of directing the legislation of this Government constantly, as heretofore, to the object of foreign commerce, to the utter neglect of the interior commerce among the several States, the fact had been reversed, and now, for the first time, we were about to legislate for our foreign trade: Should we not, in that case, hear all the Constitutional objections made to the erection of buoys, beacons, lighthouses, the surveys of coasts, and the other numerous facilities accorded to the foreign trade, which we now hear to the making of roads and canals? Two years ago, a sea wall, in other words, a marine canal, was authorized by an act of Congress, in New Hampshire; and I doubt not that many of those voted for it who have now Constitutional scruples on this bill. Yes, any thing, every thing, may be done for foreign commerce; any thing, every thing, on the margin of the ocean. But nothing for domestic trade; nothing for the great interior of the country! Yet, the equity and the beneficence of the Constitution equally comprehends both. The gentleman does, indeed, maintain that there is a difference as to the character of the facilities in the two cases. But I put it to his own candor whether the only difference is not that which springs from the nature of the two elements on which the two species of commerce are conducted—the difference between land and water. The principle is the same whether you promote commerce by opening for it an artificial channel where now there is none, or by increasing the ease and safety with which it may be conducted through a natural channel which the bounty of Providence has bestowed. In the one case, your object is to facilitate arrival and departure from the ocean to the land. In the other, it is to accomplish the same object from the land to the ocean. Physical obstacles may be greater in the one case than in the other, but the moral or Constitutional power equally includes both. The gentleman from Virginia had, to be sure, contended that the power to make these commercial facilities was to be found in another clause of the Constitution—that which enables Congress to obtain cessions of territory for specific objects, and grants to it an exclusive jurisdiction. These cessions may be obtained for the "erection of forts, magazines, arsenals, dockyards, or other needful buildings." It is apparent that it relates altogether to military or naval affairs, and not to the regulation of commerce. How was the marine canal covered by this clause? Is it to be considered as a "needful building?" The object of this power is perfectly obvious. The Convention saw that, in military or naval posts, such as are indicated, it was indispensably necessary, for their proper government, to vest in Congress the power of exclusive legislation. If we claimed over objects of internal improvement an exclusive jurisdiction, the gentleman might urge, with much force, the clause in question. But the claim of concurrent jurisdiction only is asserted. The gentleman professes himself unable to comprehend how concurrent jurisdiction can be exercised by two different Governments at the same time over the same persons or things. But, is not this the fact with respect to the State and Federal Governments? Does not every person, and every thing, within our limits, sustain a two-fold relation to the State and to the Federal authority? The power of taxation as exerted by both Governments, that over the militia, besides many others, is concurrent. No doubt embarrassing cases may be conceived and stated by gentlemen of acute and ingenious minds. One was put to me yesterday. Two canals are desired, one by the Federal, and the other by a State government; and there is not a supply of water but for the feeder of one canal; which is to take it? The Constitution, which ordains the supremacy of the laws of the United States, answers the question. The good of the whole is paramount to the good of a part. The same difficulty might possibly arise in the exercise of the incontestable power of taxation. We know that the imposition of taxes has its limits. There is a maximum which cannot be transcended. Suppose the citizen to be taxed by the General Government to the utmost extent of his ability, or a thing as much as it can possibly bear, and the State imposes a tax at the same time; which authority is to take it? Extreme cases of this sort may serve to amuse and to puzzle; but they will hardly ever arise in practice. And we may safely confide in the moderation, good sense, and mutual good dispositions, of the two Governments to guard against the imagined conflicts.

It is said by the President that the power to regulate commerce merely authorizes the laying of imposts and duties. But Congress has no power to lay imposts and duties on the trade among the several States. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several States, if it has any meaning, implies authority to foster it, to promote it, to bestow on it facilities similar to those which have been conceded to our foreign trade. It cannot mean only an empty authority to adopt regulations without the capacity to give practical effect to them. All the powers of this Government should be interpreted in reference to its first, its best, its greatest object, the Union of these States. And is not that union best invigorated by an intimate, social, and commercial connexion between all the parts of the Confederacy? Can that be accomplished—that is, can the federative objects of this Government be attained but by the application of federative resources?

Of all the powers bestowed on this Government, Mr. C. thought none were more clearly vested, than that to regulate the distribution of the intelligence, private and official, of the country; to regulate the distribution of its commerce; and to regulate the distribution of the physical force of the Union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable Constitution had in view. We must reject, as wholly incompatible with their enlightened and beneficent intentions, that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs, who can foresee all the possible cases, in which it may be necessary to apply the public force, within or without the Union? This Government is charged with the use of it, to repel invasions, to suppress insurrections, to enforce the laws of the Union; in short, for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence, may not Government, for its effectual prosecution, order a road to be made, or a canal to be cut, to relieve, for example, an exposed point of the Union? If, when the emergency comes, there is a power to provide for it, that power must exist in the Constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will beforehand provide for the hour of need. Roads and canals are in the nature of fortifications, since, if not the deposites of military resources, they enable you to bring into rapid action the military resources of the country, wherever they may be. They are better than any fortifications, because they serve the double purposes of peace and war. They dispense, in a great degree, with fortifications, since they have all the effect of that concentration, at which fortifications aim. I appeal from the precepts of the President to the practice of the President. While he denies to Congress the power in question, he does not scruple, upon his sole authority, as numerous instances in the statute book will testify, to order, at pleasure, the opening of roads by the military, and then come here to ask us to pay for them. Nay, more, sir; a subordinate but highly respectable officer of the Executive Government, I believe, would not hesitate to provide a boat or cause a bridge to be erected over an inconsiderable stream, to insure the regular transportation of the mail. And it happens to be within my personal knowledge that the head of the Post Office Department, as a prompt and vigilant officer should do, had recently despatched an agent to ascertain the causes of the late frequent vexatious failures of the great northern mail, and to inquire if a provision of a boat or bridge over certain small streams in Maryland, which have produced them, would not prevent their recurrence.

I was much surprised at one argument of the honorable gentleman. He told the House that the Constitution had carefully guarded against inequality, among the several States, in the public burdens, by certain restrictions upon the power of taxation; that the effect of the adoption of a system of internal improvements would be to draw the resources from one part of the Union, and to expend them in the improvement of another, and that the spirit, at least, of the Constitutional equality would be thus violated. From the nature of things, the Constitution could not specify the theatre of the expenditure of the public treasure. That expenditure, guided by, and looking to, the public good, must be made, necessarily, where it will most subserve the interests of the whole Union. The argument is, that the locale of the collection of the public contributions, and the locale of their disbursement, should be the same. Now, sir, let us carry this argument out; and no man is more capable than the ingenious gentleman from Virginia, of tracing an argument to its utmost consequences. The locale of the collection of the public revenue is the pocket of the citizen; and, to abstain from the violation of the principle of equality adverted to by the gentleman, we should restore back to each man's pocket precisely what was taken from it. If the principle contended for be true, we are habitually violating it. We raise about twenty millions of dollars, a very large revenue, considering the actual distresses of the country. And, sir, notwithstanding all the puffing, flourishing statements of its prosperity, emanating from printers who are fed upon the pap of the public Treasury, the whole country is in a condition of very great distress. Where is this vast revenue expended? Boston, New York, the great capitals of the North, are the theatres of its disbursement. There the interest upon the public debt is paid. There the expenditure in the building, equipment, and repair, of the national vessels takes place. There all of the great expenditures of the Government necessarily concentrate. This is no cause of just complaint. It is inevitable, resulting from the accumulation of capital, the state of the arts, and other circumstances belonging to our great cities. But, sir, if there be a section of this Union having more right than any other to complain of this transfer of the circulating medium from one quarter of the Union to another, the West, the poor West—[Here Mr. BARBOUR explained. He had meant that the Constitution limited Congress as to the proportions of revenue to be drawn from the several States; but the principle of this provision would be vacated by internal improvements of immense expense, and yet of a local character. Our public ships, to be sure, are built at the seaports, but they do not remain there. Their home is the mountain wave; but internal improvements are essentially local; they touch the soil of the States, and their benefits, at least the largest part of them, are confined to the States where they exist.] The explanation of the gentleman has not materially varied the argument. He says that the home of our ships is the mountain wave. Sir, if the ships go to sea, the money with which they were built, or refitted, remains on shore, and the cities where the equipment takes place derive the benefit of the expenditure. It requires no stretch of the imagination to conceive the profitable industry—the axes, the hammers, the saws—the mechanic arts which are put in motion by this expenditure. And all these, and other collateral advantages, are enjoyed by the seaports. The navy is built for the interest of the whole. Internal improvements, of that general, federative character, for which we contend, would also be for the interest of the whole. And, I should think, their abiding with us, and not going abroad on the vast deep, was rather cause of recommendation than objection.

But, Mr. Chairman, if there be any part of this Union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the West. There is a perpetual drain from that embarrassed and highly distressed portion of our country, of its circulating medium to the East. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, &c., which more or less are to be found in every Atlantic State. In at least seven States beyond the Alleghany, not one solitary public work of this Government is to be found. If, by one of those awful and terrible dispensations of Providence, which sometimes occur, this Government should be unhappily annihilated, every where on the seaboard traces of its former existence would be found; whilst we should not have, in the West, a single monument remaining on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the Union, than the hardy freemen of the West. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which they participated, during the late war—a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs? But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood, or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They fought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befell us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the West from this Government. They cling to it, as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by the mistakes of your policy, and you cannot drive them from you. They do not complain of the expenditure of the public money, where the public exigencies require its disbursement. But, I put it to your candor, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium of the West to the East. One million and a half of dollars annually, is transferred for the public lands alone; and, almost every dollar goes, like him who goes to death—to a bourne from which no traveller returns. In ten years it will amount to fifteen millions; in twenty to ——; but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the East, labor under great error. There was a time when the tide of emigration from the East bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopped. And as population advances farther and farther West, it will entirely cease. The greatest migrating States in the Union, at this time, are Kentucky first, Ohio next, and Tennessee. The emigrants from those States carry with them, to the States and territories lying beyond them, the circulating medium, which, being invested in the purchase of the public land, is transmitted to the points where the wants of Government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this Government would mitigate the evil We believe that the Government incontestably possesses the Constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctanly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate Government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, what has this Government done on the great subject of Internal Improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road only. Gentlemen appear to have considered that a Western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any Western State. The road begins in Maryland and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States. Not one cent in any Western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the West; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren—that we might have a way to reach the Capitol of our country, and to bring our councils, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a Western State; and, from some indications which have been given during this session, I should apprehend it would there pause for ever, if my confidence in you were not unbounded; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no Western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the West never thought of, never desired, never asked, for a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the Union, I do most solemnly believe, of these now happy and promising States, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.

When Mr. CLAY had concluded—

The question was taken on striking out the enacting clause in the bill, and decided in the negative—ayes 74, noes 109.

Mr. HEMPHILL moved to fill the blank for appropriation with the sum of thirty thousand dollars, which was carried—ayes 105.

The Committee then rose, and reported the bill with the amendment, and, on the question of its engrossment for a third reading, the yeas and nays were called, on motion of Mr. MERCER, and are as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, J. S. Barbour, Bartlett, Bartley, Beecher, Blair, Breck, Brown, Buchanan, Buckner, Campbell of Ohio, Carter, Cassedy, Condict, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Harris, Hayward, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Saunders, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, and Wright—114.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Ball, Barber of Connecticut, P. P. Barbour, Bassett, Bradley, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Frost, Gatlin, Gist, Hall, Harvey, Hayden, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Matson, Morgan, Plumer of New Hampshire, Randolph, Reed, Richards, Sharpe, Sibley, Arthur Smith, Alex. Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—82.

To-morrow was then assigned for the third reading of the bill.

The following is a copy of the bill as it passed the House:

A Bill to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made, of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail, designating, in the case of each canal, what parts may be made capable of sloop navigation; the surveys, plans, and estimates, for each, when completed, to be laid before Congress.

And be it further enacted, That, to carry into effect the objects of this act, the President be, and he is hereby, authorized to employ two or more skilful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of thirty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

THURSDAY, January 15.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the petitions of William Whitehead, John Tappan, Nathaniel W. and Charles H. Appleton, Joshua Aubin, Benjamin Hazletine, Samuel Adams, James Graham, and of James Crawford, and others, made a report thereon, accompanied by a bill for the relief of certain persons who have paid duties on certain goods imported into Castine; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of John Thomas and Company, of Ohio, accompanied by a bill for their relief; which bill was read twice, and committed to a Committee of the Whole.

The Committee on Pensions and Revolutionary Claims were discharged from the consideration of the petition of Captain Pollard, Blue Eyes, and Jim Robinson, Indians belonging to the Seneca tribe, and from the petition of James Wilson; and the petitions were referred to the Committee of the Whole to which is committed the bill concerning invalid pensioners.

On motion of Mr. McKIM, the Committee of Ways and Means were directed to inquire into the expediency of reviving the first, second, third, and fourth sections of an act further to provide for the collection of duties on imports and tonnage, passed the third day of March, 1815.

Mr. STEWART submitted the following resolution, which was read; and, on motion of the mover, laid on the table, viz:

Resolved, That the Committee on Roads and Canals be instructed to report a bill appropriating the annual proceeds of the sales of the public lands, and the dividends of the United States Bank stock, commencing from the 1st January, 1823, to the purposes of internal improvement, to be distributed among the States, according to their representation, and expended on objects to be designated by Congress, within or

bordering on the respective States, unless where any State may consent that its proportion of the fund shall be applied to an object not immediately connected with it territorial limits.

The engrossed bill to procure the necessary estimates, plans, and surveys, upon the subject of roads and canals, was called up for a third reading; when it was, on motion of Mr. Foot, of Connecticut, ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, viz: "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" and "An act making a partial appropriation for the support of Government for the year 1824;" with an amendment to each. The Senate have also passed a bill, entitled "An act for the relief of Joseph Wood, of Ohio;" in which amendments and bill last-mentioned they ask the concurrence of this House.

Mr. McDuffie gave notice that he would, tomorrow, call up the consideration of the reported amendment of the Constitution, respecting the choice of President and Vice President of the United States.

The amendments of the Senate to the partial appropriation bill were considered, and concurred in.

The bill from the Senate, for the relief of Joseph Wood, of Ohio, was referred to the Committee on the Public Lands.

The House then, on motion of Mr. Forsyth, took up the report of the Committee of Foreign Relations, on the petition of Henry and David Cotheal, and David S. Hallett, which was read and agreed to; so that the committee is discharged from the further consideration of the petition.

PENSIONS TO WIDOWS.

Mr. Tucker, of Virginia, presented the following resolution:

Resolved, **That the Committee on Pensions and Revolutionary Claims be instructed to inquire into the expediency of giving the same pensions to the widows of the officers and soldiers who died in the service during the late war, and who enlisted to serve during the war, as is allowed to the widows of those who enlisted for a shorter term.**

Mr. T., in support of his resolution, observed, that he had been much surprised at the fact disclosed to him in answer to a recent application, that, for the widows of those who had enlisted for the whole war, no provision had been made, while others, who served but for twelve or eighteen months, had a pension granted them. Mr. T. made some further explanations as to the existing inequality of the laws, and he thought, if the nation had a pension list at all, it ought to rest on some principle of justice, which, he contended, at present it did not.

Mr. Wright moved to amend the resolution, by substituting, for the Committee on Pensions and Revolutionary Claims, a select committee; which was not carried.

Mr. McCoy suggested to the mover, that the resolution be so modified as to revive the former law on the same subject. To this Mr. Tucker dissented; and, the question being taken, the resolution was not agreed to.

MONUMENT TO WASHINGTON.

Mr. Buchanan presented the following resolution:

Resolved, **That a committee be appointed, whose duty it shall be to inquire in what manner the resolutions of Congress, passed on the 24th December, 1799, relative to the erection of a marble monument in the Capitol, at the City of Washington, to commemorate the great events of the military and political life of General Washington, may be best accomplished, and that they have leave to report by bill or otherwise.**

Mr. Buchanan said, the House would, he trusted, excuse him for making a few observations in explanation of the motives which had impelled him to offer the resolution now under consideration. On the 24th December, 1799, the Congress of the United States resolved, "That a marble 'monument be erected by the United States, in 'the Capitol, at the City of Washington, and that 'the family of General Washington be requested 'to permit his body to be deposited under it; and 'that the monument be so designed as to commemorate the great events of his military and 'political life." They also resolved, "That the 'President of the United States be requested 'to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the 'profound respect Congress will ever bear to her 'person and character; of their condolence on the 'late afflicting dispensations of Providence; and 'entreating her assent to the interment of the remains of General George Washington in the 'manner expressed in the first resolution." The then President of the United States transmitted these resolutions to Mrs. Washington, who, on the 31st December, 1799, returned an answer, which I will take leave to read to the House:

Mount Vernon, *Dec.* 31, 1799.

Sir: While I feel with keenest anguish, the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated, and gratefully remembered, affords no inconsiderable consolation.

Taught by that great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments, and unfeigned thanks, for the personal respect, and evidences of condolence, expressed by Congress, and yourself.

I remain, very respectfully,
Sir, your most obed't humble servant,
MARTHA WASHINGTON.

During the same session of Congress, a bill passed the House of Representatives for erecting a mausoleum for George Washington in the City of Washington. It was postponed in the Senate until the next session. Several attempts have since been made in Congress to redeem the plighted faith of the nation, but they have all proved unavailing. The man who was emphatically first in war, first in peace, and first in the hearts of his countrymen, has been sleeping with his fathers for almost a quarter of a century, and his mortal remains have yet been unhonored by that people, who, with justice, call him the father of their country.

It is difficult to determine, whether this neglect be more impolitic or ungrateful. Every wise nation has paid honors to the memory of the men who have been the saviours of their country. Sculpture and painting have vied with each other, in transmitting their images and the memory of their deeds to the remotest generations. By these means, the holy fire of virtuous emulation has been kindled in the bosoms of the youth of succeeding ages.

Our country has produced a General, whose prudence and perseverance, whose courage and military skill, conquered our independence, against fearful odds, from the most powerful nation on earth; and what is still more wonderful, was never intoxicated by the illusions of military glory. Our country has given birth to a statesman, who was chiefly instrumental in converting the chaos of the old Confederation, into the most perfect fabric of human wisdom—the Federal Constitution; and whose conduct, as President of the United States, was characterized by such wisdom and virtue, that, after the strictest examination, it is now admitted to be the most proper guide, to direct us in the path which leads to the nation's prosperity and glory. In short, our country has produced a WASHINGTON; he has been dead for four and twenty years, and we have erected no monument on which to record his virtues, and our gratitude.

Mr. B. said, that Congress, by neglecting, for so long a period, to accomplish the object of the resolutions, had been subjected to the imputation of perfidy, as well as ingratitude. We made a solemn promise to the widowed partner of Washington, and to the people of the United States, by a legislative act, that we would erect a monument to his memory. That distinguished lady has long slumbered with him in the grave, and this pledge has never yet been redeemed. Although his mortal remains, have, at our request, and by her consent, become the property of the public, yet they still lie neglected. Indeed, I have been credibly informed, that an attempt has been made to steal them away from his country, which had almost proved successful.

Do we, Mr. Speaker, consider it a matter of necessity, in all respects, to preserve the public faith inviolate? And shall we prove faithless only in what concerns the memory of Washington? The danger of the precedent, the argument so often repeated in this House, against the adoption of measures, will, in this case, be unavailing. The long list of ages, which preceded the birth of Washington, had never presented a human character so perfect; and there is but a bare possibility that future generations will produce his equal.

Mr. B. hoped the resolution would pass unanimously.

Mr. CARY, of Georgia, arose and said, that, before the question was taken on the resolution, he would ask leave to occupy the attention of the House for a few moments, while he gave expression to what he believed were the just sentiments and feelings of an American on the subject it contemplated. The resolution directs a committee of this House to report, by bill, or otherwise, on the propriety of erecting a monument, or mausoleum, to the memory of WASHINGTON. He had listened with attention to the ingenious and unimpassioned address of the mover of the resolution, in which he had endeavored to prove that it was a duty of justice and of gratitude in this nation, to give such an expression of what it feels itself to owe to the memory of its illustrious benefactor; but he dissented from that honorable gentleman in the opinion he had expressed, and it was the purpose of his present address to vindicate to that gentleman and to the House the dissent he had now expressed; in doing this, he would empty his mind of the sentiments he held on this subject. The gentleman had very truly said that it had long been the practice of nations to express their veneration for the memory of illustrious men, by erecting splendid monuments over their ashes. But, he would ask, in what spirit, and at what period, did that practice originate? It was before the lights of reason had penetrated the darkness of society, and the deposites of history had taught mankind the true mode of commemorating and eternizing the deeds of illustrious men; it had had its beginning in successful conquest, when some military chieftain first plunged his sword into a nation's bosom, and then lavished its wealth in monuments to perpetuate his name; it was a principle of vanity which had given existence to the practice. We were, to be sure, and had long been, in the habit of going for precedents to Greece and Rome, and that classic enthusiasm which animates every scholar, that consecrated reverence which he must ever feel for the labors and achievements of departed genius, deludes our judgment, and would persuade us to bring the associations derived from the venerable remains of ancient sculpture, to times of a wholly different character, and a country in wholly different circumstances. The Government of this Union was entirely and widely different from those of the old world; it had a different origin; it was a phœnix-like Government, which sprung from the ashes of all the corruptions of those which had preceded it; and as the Government itself was new among men, those who had achieved its establishment should be commemorated in a new style. We need, Mr. Speaker, (said Mr. C.,) no monuments to tell us that WASHINGTON has lived; he has a monument, he will continue to have one, in the heart of every American; such a monument as none before him ever had; and let it be our peculiar pride to enshrine him there alone. Yes, sir, we will keep Washington's monument in our bosoms. We will commit it to no perishable stone; his name shall have a purer, a more enduring memorial. Sir, my heart beats as ardently and fires as high as that of any of my countrymen on this subject; but I would erect no tomb. Suppose we build one, and determine its place to be here in this Capitol, will it be seen by the nation? No, it will only be visible to the favored few who are drawn to this spot by their public functions, who visit it on a jaunt of pleasure, or attend it on concerns of private business. But Washington has a monument already, far greater than you can build; his memorial is every where; from Maine to Louisiana; from the ocean to the mountains; and wherever, in their widely-spreading emigrations, the people of this Confederacy shall direct their steps, Washington travels with them, and they will continue to bear on his living monument till they have fixed it on the farthest shores of our continent.

Mr. Buchanan observed, in reply, that when he brought forward the resolution he had the honor to present to the House, he did not suppose that any gentleman would feel it to be his duty to oppose its adoption. He differed wholly from the honorable gentleman from Georgia. That gentleman maintained that it was not proper for a Republic, by monumental marble, to excite its citizens to virtuous deeds by publicly honoring the memory of those who had been the benefactors of their country. He, on the contrary, thought that in the case of Republics there was in the practice a peculiar and special propriety. Such monuments had, in all ages and countries, exerted a powerful effect in inciting men to patriotic virtue; our Government rests, its very foundations are laid, on that virtue; and it therefore seemed in a peculiar manner adapted to the circumstances of this Republic. It was, too, a practice which had been already sanctioned by the example of some of the most respectable States in the Union. But it was now too late to talk about the policy of the measure. Is not, asked Mr. B., the faith of the nation pledged? Has not the measure been publicly resolved upon by both Houses of Congress? Has it not received the sanction of the President of the United States? Is the country to promise to-day, and violate its promise to-morrow? The faith of the Government, pledged twenty-five years since, to the family of the deceased, and to the American people, has never, to this day, been redeemed. Shall we hold all our contracts inviolable but this? As to the precedent, that question has already been settled; the pledge has been given. And were gentlemen alarmed at the danger of such a precedent? They might calm their apprehensions; there was not the remotest danger of such another case recurring. The world, in its long course of days, had never beheld such a man before; and, in all the march of time, there was little probability of the world's ever seeing such another; and for himself, Mr. B. said, he felt so deeply the obligation to redeem the pledged promise of the nation, that, though little accustomed to make such requests, he must ask that the yeas and nays might be recorded.

Mr. Trimble said that he did not rise for the purpose of pronouncing Washington's eulogium; that was a theme to which none was competent but the equal of Washington; and such a man was no where to be found. But he had risen to disabuse this nation from the charge of ingratitude to the memory of its benefactor. On what proof had so grievous a charge been founded? On the fact that no national monument of marble had yet been erected to his memory to inspire us (if he understood the gentleman from Pennsylvania) with sentiments of public virtue. Our patriotism must be cold indeed, if it could only be inspired by the coldness of a marble monument. God forbid that he should advance an opinion that such a monument ought not to be erected. But he would ask, if it had been erected fifteen or twenty years ago, and fixed within the walls of this Capitol, where would it have been, or what would have become of it, when this building was wrapped in flames? It would have fallen into the unhallowed hand of a barbarous enemy, who would have mutilated or carried it off. The only charge of ingratitude that could then have been urged, would have been, that the nation neglected to defend the Capitol; that, instead of fourteen thousand retreating from a handful of the invaders, they did not fight till only fourteen were left alive. When they had done this, they might erect a splendid monument. But when the Capitol, that is now going on in building, shall first be completed, and the monument itself shall have first been procured, it would be time enough to pass resolutions for fixing it in the Capitol. In the meanwhile, Washington has a monument in every place where there are Americans, where there are men; two worlds had joined to celebrate his actions; two hemispheres were filled with his name; and the globe itself might be pronounced his best and only fit mausoleum.

The resolution was then, on motion of Mr. Gazlay, of Ohio, ordered to lie on the table, by a vote of 97 to 67.

SINKING FUND.

On motion of Mr. McLane, the House resolved itself into a Committee of the Whole on the state of the Union, on the bill "authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824."

[This bill provides, that the Commissioners of the Sinking Fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased; that is to say:

For all such stock as they may purchase before the 1st day of April next, at a rate not exceeding one dollar and seventy-five cents for every sum of one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock.

For all such stock which they may purchase between the 1st day of April and the 1st day of July next, at a rate not exceeding seventy-five cents on every sum of $100, in addition to the interest which would have accrued on the day last mentioned.

For all such stock which they may purchase between the 1st day of July and the 1st day of October next, at a rate not exceeding, on every sum of $100, the amount of interest which would have accrued on the day last mentioned: and

For all such stock which they may purchase between the 1st day of October next and the 1st day of January, 1825, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

The 2d section of the bill provides, That the said Commissioners are hereby authorized to make such purchases under the foregoing restrictions, at such times and places as they may deem most eligible; and, for the purpose of carrying into effect the provisions of this act, any money in the Treasury, not otherwise appropriated, is hereby appropriated.]

The 1st section being under consideration, Mr. **McLane** moved to amend the bill by striking out one dollar and seventy-five cents in the 12th line, and substituting two dollars [so as to allow the Commissioners to pay for such United States stock as they may purchase prior to the 1st of April next, at a rate not exceeding two dollars on $100 in addition to the interest.]

Mr. **McLane** said, in proposing the amendment to increase the premium in the first period, for the purchase of the seven per cent. stock, as recommended by the Secretary of the Treasury, from one dollar seventy-five cents to two dollars, that it might be expected of him to explain the considerations by which this proposition was recommended.

When they reported the bill, the Committee of Ways and Means supposed a premium of one dollar and seventy-five cents would be sufficient to promote the objects in view, but further reflection had satisfied him that they would be more certainly attained by enlarging the sum.

It was necessary to consider the measure proposed by the bill, in reference as well to the interests of the Government as to those of the stockholder, and the operation should be conducted with a view to both.

All the seven per cent. stock of the United States, said he, amounting to the sum of $8,606,490, will be redeemable on the first of January, 1825, and it is now certain, that there will be, on that day, sufficient funds, at the disposal of the Government, for this purpose. If no larger a sum were thrown at once into the market for new investment, it would necessarily produce serious inconvenience and embarrassment to the owners of the stock. The bill proposes to avoid these evils, by providing for its gradual redemption, during the present year, and offering to the stockholders the opportunity of selling their stock to the Government, whenever, in the course of the year, they may find a suitable investment for their funds.

As an amount of money, sufficient to purchase this stock, would otherwise remain idle in the Treasury, the gain produced by this plan to the Government, consists in the saving of the interest; or, in other words, the difference between the premium paid for the purchase and the interest which would accrue on the first January 1825.

It will, therefore, be manifest to the Committee, that the earlier the purchases shall be made, the greater will be the saving to the Government, and that, for this reason, it is not only their interest, but they have the means to offer larger inducements to the stockholder to sell in the first and second terms, contemplated by the bill, than at any later period.

By the bill, as reported by the Committee of Ways and Means, which is, in this respect, conformable to the annual report of the Secretary of the Treasury, the Commissioners of the Sinking Fund are authorized to purchase the stock, upon certain terms, within four several periods of the year, answering to the usual quarterly divisions; but I apprehend the premium authorized in the two first periods will not be found to bear a just proportion to the end proposed. The holder of the stock will no doubt sell, whenever he may find a proper opportunity for the safe investment of his money; but, as the principal gain to the Government is to be made in the two first periods, the inducement to the stockholder to seek this opportunity should be larger in these than the later periods.

It was clearly the interest of the Government, he said, to purchase the whole stock, if practicable, within the first quarter, and therefore he had offered the amendment to increase the premium in that quarter to two dollars, in order the more certainly to induce the sale.

That his observations upon this subject might be better understood, he begged leave to submit to the Committee some statistical statements which would exhibit the operation of the proposed plan, and of his amendment, during the year, and in each period, both in regard to the holder of the stock and the Government.

Mr. McL. said as it is now impracticable for this expedient to go into operation before the first of February, he would assume that as the day on which the sale will take place, and the seller of the stock will be supposed to invest his funds for the remainder of the year at an interest of five per cent. In that case, he will receive for his $100

of stock a premium of - - - - - -	$1 25
Three months interest, at 7 per cent., from 1st January to 1st April - - - -	1 75
Eleven months interest, at 5 per cent., from 1st February to 31st December -	4 58⅓
Making - - - - - - - -	7 58⅓
Which will be a gain to him at the end of the year of - - - - - - - -	0 58⅓

By disposing of his stock on the 1st April, the second period proposed by the bill, the seller will receive during the year on his $100 of stock, a premium of - - - - $0 75

Six months interest, at 7 per cent., from 1st January to 1st July - - - - 3 50

Nine months interest, at 5 per cent., from 1st April to 31st December - - 3 75

Making - - - - - - - $8 00

Which will be a gain to him of - - 1 00

By disposing of his stock on the 1st of July, the third term proposed by the bill, the seller will receive during the year on his $100 of stock, nine months interest, at 7 per cent., from 1st January to 1st October - - - - - - $5 25

Six months interest, at 5 per cent., from 1st July to 31st December - - - - 2 50

Making - - - - - - - $7 75

And which will be a gain to him of - 0 75

It will be perceived by this statement, he said, that the gain to the seller, in the first period, is less than in either of the others, while the interest of the Government requires that the purchases should be made within that period. And to present a proper inducement for this purpose, he had proposed, by the amendment, to increase the premium in the first period to two dollars. At that rate, the seller will receive during the year on his $100 of stock, by disposing of it on the 1st February next, a premium of - - - $2 00

Three months interest, at 7 per cent., from the 1st February to the 1st April - 1 75

Eleven months interest, at 5 per cent., from the 1st February to the 31st December - - - - - - - 4 58⅓

Making - - - - - - - $8 33⅓

Which would be a gain to him of - 1 33⅓

If the amendment prevail, the gain to the seller in the third period will be three-fourths of the gain in the second period; and the gain in the second period will be three-fourths of the gain in the first; and I apprehend such a proportion will lead much more certainly to large purchases in the first period than the rates contained in the bill.

It will be apparent, also, he said, that a sale to the Government at the rate here proposed, will be more advantageous to the seller than a sale to an individual at an advance which this stock will be likely to bear during the year; and in addition to the premium, it gives the interest of one quarter in advance, and thus encourages an early sale. With the certainty which exists of the redemption of the stock at the end of the year, it can scarcely be expected that its price will at any time exceed three per cent. above the par value; it is not probable that it will reach that sum, but estimating its value in the market at three per cent., the sale to the Government would be more advantageous, because, if the holder sell to the Government on the 1st of February, he will receive during the year on his $100, as already shown, $8 33; if he sell on the same day to an individual, he will receive a premium of $3, and eleven months interest, at 5 per cent., $4 58⅓; making $7 58⅓; and is less, by 75 cents, than the sum to be received by a sale to the Government.

Mr. McL. also remarked, that if the Committee would reflect upon the operation, as to the Government, of the proposed amendment, they would be satisfied of its propriety, and the utility of the expedient proposed by the Secretary of the Treasury; he said that at the proposed rates the Government will save, on the purchase of the whole stock, amounting to $8,606,490, as follows:

If the stock were purchased in the first period, the Government will pay on each $100—$3 75; which, being deducted from $7, the amount of the interest for the whole year, would be a saving of $3 25, and on the whole stock, a saving of $279,710 93.

If the stock be purchased during the second period, the Government will pay on each $100—$4 25; which, deducted from the year's interest, gives a saving of $2 75, and on the whole sum, a saving of $236,678 47.

If the stock be purchased during the third period, the saving to the Government will be $1 75 on each $100, and on the whole, the sum of $150,613 57.

With respect to individuals, Mr. McL. said, the operation of the proposed plan in the second and third terms might be differently stated; and he remarked that, by selling to the Government on the 1st April, the individual would receive a premium of - - - - - - - - $0 75

Three months interest, at 7 per cent., from 1st April to 1st July - - - 1 75

Nine months interest, at 5 per cent., from 1st April to 31st December - - 3 75

Making - - - - - - - 6 25

If, on the contrary, he retained his stock from the first April to the end of the year, he would receive nine months interest, at 7 per cent., which is - - - - - - - - $5 25

And less than he would receive by selling it, of - - - - - - 1 00

By selling to the Government on the 1st day of July, he would receive three months interest at 7 per cent., from the 1st July to 1st October, $1 75

Six months interest, at 5 per cent., from 1st July to 31st December - - - 2 50

$4 25

If he retained his stock, he would receive six months interest, at 7 per cent. - 3 50

Which is 75 cents less than he would receive by the sale.

Mr. McL. said he had troubled the Committee with these statistical details of the plan proposed, in order that every one should be satisfied with its operation in this respect, though he himself supposed the measure was partly founded upon other considerations, and looking beyond a mere calculation of profit and loss.

For himself, he believed, as he had already intimated, that though the terms proposed presented an immediate pecuniary advantage to the seller, the principal advantages afforded by the recommendation in the annual report, were the means of converting his stock into money at rather more than its value, whenever he may discover an opportunity for investing it safely and profitably. He believed the prudent stockholder would not fail to appreciate this advantage, when he reflected that not only the $8,606,490 of 7 per cent., but also as much of the 6 per cent. stock as the Government will be able to pay off on the 1st of January, 1825, will, on that day, be thrown into the market for investment. If the stockholders are wise, they will speedily look for the means of profitable investment, and he felt persuaded that the amendment would offer additional and reasonable inducements to do so.

The amendment was adopted, and the bill as amended was reported to the House, and ordered to a third reading, without further debate.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to take up the bill providing for the procurement of surveys, &c., for roads and canals, which had been laid on the table this morning to make way for the preceding bill. This motion was carried—ayes 97, noes 76.

The bill then had its third reading.

Mr. WOOD, of New York, rose and said, that his views neither of the public interest nor his own duty would suffer him to see a bill, such as that now before the Committee, about to pass into a law, without entering his protest against the principle on which it was founded. The present individual bill was comparatively of small moment, but, if passed, the principle would be sanctioned; and it was not attempted to be concealed that other bills were to follow it of a far more serious kind. The present was avowedly only a preliminary measure.

Heretofore, he said, it had been deemed important that the barriers between the General and the State Governments should remain untouched; and, on that account, the principles on which both rested had been reduced to writing, and infinite pains had been taken to adjust the due proportion between them. To arrive at a just construction of the Constitution which separated and defined them, it was necessary to look back to the compact which had preceded the Constitution—to the confederation between the thirteen united States, which was nothing more than an alliance of sovereign powers for the common good. The defects of that confederation it was which led to the formation of a different form of government, and a due consideration of which defects must necessarily throw great light on the true intent and meaning of the Constitution, which was intended to remedy them. Wherein do the two compacts differ? In comparatively few particulars. Very few powers are granted by the Constitution which were not formerly granted by the Confederation—those relating to revenue were the chief. Under the Confederation, Congress had power to borrow money; to raise armies; to maintain a navy; to make treaties; to declare war, and to make peace; it had, in short, the same power over the general means of the nation that it now has, but the mode of its operation in obtaining them was different. The quotas of the several States were laid by the General Government on the Legislatures of those States, and by them collected from the people. The hand of the General Government could not reach the pockets of the people, but it had to wait, for its supplies, the tardy movements of thirteen different independent Legislatures; but now its power comes in immediate contact with the people—its means are taken at once from the imports—its operations are prompt, and consequently vigorous, and the public faith may be safely pledged, because it will be certainly and promptly redeemed. This was almost the sole object for which the Confederation was changed into the Federal Government.

Now, in the first place, I ask whether, by the Confederation, Congress was vested with municipal powers? Certainly not. But the power to make roads and canals is, beyond dispute, a municipal power. Gentlemen contend that Congress may do this under a general power to diffuse the intelligence of the country. Why, sir, by this reasoning, I can equally prove that it has the power to erect common schools. They diffuse intelligence, and in a most efficient manner. Again, to the well being of a republican government, a general equality of property is as requisite as a general diffusion of knowledge. Have then Congress power to regulate descents of real estate? The inference to that power is stronger than to a power to dig canals. But, by the express letter of the Constitution, Congress has power "to regulate commerce with foreign nations, and among the several States." Well, sir, I ask, in the first place, what is the power which is here granted over foreign commerce? It is both legislative and executive—it extends indeed to a right to close all our ports; but the Government is bound to furnish the citizens with a market, and therefore the Constitution gives it authority to make treaties; but it has placed this power not in Congress, but in the President.

The Constitution gives, further, a power to "lay and collect taxes, duties, and imposts." This, said Mr. W., is the sole power of Congress over foreign commerce; it has power to lay the duty and to collect it—this is the extent. The whole power of Congress, in relation to foreign commerce, is exhausted by the tariff, and by the collection of it. The power to erect lighthouses, is one which belongs to this power of "collecting duties," and not to the power of "regulating foreign commerce." The great object of duties is revenue; and Congress may prohibit altogether, or it may qualify, by certain regulations, the entrance of goods into the country. Over this Congress has entire sovereignty. Revenue is not, however, the exclusive object of duties; they may be laid for political as well as fiscal purposes—to protect our rights—to coerce other nations to justice, or to requite them for benefits, and also to foster domestic industry.

I now inquire, what is the power intended to be granted in a "power to regulate commerce among the several States?" Congress certainly have nothing to do with the buying and selling of internal productions, nor can it lay duties on exports from one State to another; trade between the States is free—perfectly free. And, with relation to imported goods, when once the duties on their importation are paid, those goods are as free as if they were the growth of the soil; they may be carried wherever the owner pleases to carry them. Congress has no power over them whatsoever. What then is the power of Congress over the internal trade of the States? None; it has none whatever. To what then does the clause relate? Wholly to the coasting trade. Owing to the extent of our coast, danger exists; that, in conducting this trade, the revenue will be defrauded; and with a view to prevent such defrauding, the Constitution empowers Congress to "regulate" this branch of commerce. And to this its power extends, and no farther. If this is so, where is the basis of any power to make canals? There is no substratum for such a power; the whole theory is a mere castle in the air, and at the touch of sober investigation, it tumbles into ruins.

The next clause in which the power sought for has been supposed to reside, is that which authorizes Congress to establish post offices and post roads.

And what need is there of power to enforce the use of a post road? Does any State resist the use of its roads by the General Government? We must remember that when the Constitution was framed, its framers had respect chiefly to the old thirteen States—States already in a state of advanced improvement, abounding with roads in all directions. And looking toward such a state of things, all that this clause intended was to give Congress power authoritatively to say on which of these roads the mail should travel. What is the practice which has ever prevailed, and which still prevails, on this subject? The States make and preserve the roads, and the General Government uses them. No jurisdiction over them is surrendered by the States.

Mr. W. said he thought that the reasoning which had been employed on this subject by the friends of the bill, was improper and inapplicable; but, having been used, it must be answered.

The States, he said, originally were absolutely sovereign, and politically omnipotent; they vested certain powers in a General Government for the general defence and welfare. Is it necessary for the general defence that the General Government must have the power of making roads? Surely, the State governments must have been deranged, if they intended to give up the care of their own roads. What was their intention? [Here Mr. W. read several clauses of the Constitution, and referred to the "Federalist."] Here all powers over local and municipal matters, such as are necessary to the internal prosperity, are reserved to the States. Sir, what was the opinion on this subject in the State conventions which were held on the question of adopting the Federal Constitution? In all of these conventions it was taken for granted that municipal powers remained to the States—no other idea entered their heads. We have the contemporaneous constructions of thirteen independent deliberative bodies, of the authors of the Federalist, and two Presidents. Sir, the evidence would be sufficient to convince a jury, if capable of such decision.

If you attempt to establish the power of making roads, as one belonging to the General Government, every pillar of our political fabric is laid prostrate at once, and the Constitution is a useless thing. The powers as granted in that Constitution are either concurrent or exclusive. The power of war and peace is given exclusively to the General Government; others are given exclusively to the State governments; others are concurrent—such, for example, as that of the taxation of land; this may be a concurrent power, because its exertion by neither exhausts the subject. But it is not so with the power over roads. This is a moral subject, a moral power—once exercised it is exhausted.

According to the opposite theory, the whole sovereignty over this subject lies in the General Government; but I say, on the contrary, that the whole sovereignty lies in the States. It is said that the power of making roads cannot be injurious to the people of the States, but must be wholly to their advantage. Allow me to put a case. The Government of the United States think it expedient to make a road from New York to Buffalo, and to put toll gates upon it—one of these toll gates near Buffalo is destroyed or injured—the man who did it must be brought five hundred miles to be tried in the United States court for a trespass of the value of two and sixpence. Is this no injury, no oppression, sir? It is treading under foot the State jurisdiction—it is prostrating the State judiciary. Sir, it brings the interference of the General Government to every man's fireside, and is calculated to render it odious to a free people.

Sir, I believe I may, without presumption, say I have ever been a friend to the Federal Government, and so have I ever been friendly to internal improvements, and have promoted them, too, sir, with my utmost power, in my own sphere, under a legitimate jurisdiction. I did so long before the great canal in our State was ever thought of. But, however noble, however beneficial, the contemplated plan for internal improvement may be, its excellence is not the question before this committee. The simple question is into our power to execute it. Sir, we must go by the grand landmarks of the Constitution. If such a power is really necessary, ask the people for it; they are the fountain of all power, and they will never refuse to grant it. Why strain, why violate the Constitution? Why break down one pillar after another in our fair temple of rational liberty, till the whole temple lies prostrate in the dust? No, sir, we have begun to do this, but let us step back; our acts, thus far, are not irretrievable; let us wait for power till it is given us; the small delay can do no injury.

But, sir, the gentleman from Pennsylvania, and especially from New Jersey, has talked to us about a new era—a political millennium, in which a new faith is to prevail, far more liberal than the old fashioned notions of our fathers; and, in a tone of menace and defiance, has told us that at that auspicious period our voices will not be heard. Sir, to me, this is ominous: it tells me in what spirit these plans are projected; and the exultation already visible is, in my view, but a melancholy presage of that louder shout that shall announce a perfect victory over the last struggles of the expiring constitutions.

Mr. Mallary, of Vermont, said that he was sensible that whoever rose to oppose the bill now before the House must be liable to great embarrassments, in consequence of the recent vote, by which it appeared that a decided majority was in its favor. It was not very often that he claimed the attention of the House, but he viewed this bill as a part of a system of measures of such magnitude, that he should reproach himself with a neglect of duty did he not express the disapprobation he was constrained to feel towards it. He was aware that the subject possessed a character calculated to excite the deepest interest and solicitude. So important did some gentlemen view it, that, in their estimation, the Government itself would appear contemptible if it refused to carry into execution such magnificent policy; and it was to be feared that the opposer, whatever might be his real motives, would appear contracted and illiberal.

To the grandeur of the plans of internal improvement, Mr. M. said, he was not insensible; their utility, he acknowledged, and it would afford him the greatest pleasure to concur in their support—he would say more—he could join, with the most ardent enthusiasm, in aiding their prosecution, did he consider himself authorized by the Constitution of the Union. But, as he at present viewed that instrument—the polar star of our legislation—it had intrusted him with no powers whatever, on the subject. His views might be very trite, but, such as they were, he would endeavor, very briefly, to present them, for his own vindication, in opposing the bill.

The first inquiry was, as to the character of the power now proposed to be exercised by Congress. It is that of constructing roads and canals throughout the territorial limits of the several States, of which this Confederacy is formed. The objects to be accomplished, according to the views of the honorable Speaker, are, the distribution of the force, the commerce, and intelligence, of the nation. This power, if it exists in the General Government, must be an original power—an exclusive power. It cannot be within the control of the several States. The United States must hold it as the uncontrolled sovereign. The States can never interpose any interfering claim. The General Government may enter the jurisdiction of every State, and seize upon the soil, for such roads and canals as it may choose to construct, and forever hold it by its resistless authority. The State governments remain secondary, degraded, and even contemptible. The General Government, to-day, takes the great highway from New York to Burlington, Vermont, under its control. To-morrow, it seizes on some other great avenue from one part of a State to another, or from a State to its neighbor State. One road is taken, under pretext that it is a post road, and necessary for the distribution of intelligence; another is taken, for the more convenient distribution of commerce; and where exists a more tremendous power? What independence can exist to a State, when another Government assumes the prerogative of holding its only avenues of communication? All this, it is true, may not be the work of a day, but, when once begun, the power of the Union will proceed, step by step, till at last the State governments will be, virtually, if not actually, annihilated.

This is the power of the General Government, contended for by the advocates of internal improvement. Is it given by the Constitution?

It is contended that the expression in the Constitution, that Congress shall have power to establish post offices and post roads, confers an unlimited power over roads in general. What is the fair and unequivocal import of that expression? Can there be any doubt as to its extent, its object? Is it not clearly and unequivocally defined? Is there any other end in view than the distribution of intelligence, as the honorable Speaker has expressed it? To make this clause a pretext, a shield, for the accomplishment of other objects, must be an unwarrantable exercise of usurped authority. Can the General Government declare, that, having the power of providing for the distribution of the intelligence of the nation, that it has, also, from the same source, the right to provide for the distribution of the commerce, the force, of the nation? It appears to me, that the process of reasoning which would lead to such conclusions, is manifestly erroneous and absurd. No language can be more precise, clear, and intelligible, than the clause of the Constitution alluded to. It is simply the power to establish post offices and post roads. What else? Nothing.

Mr. M. said, he concurred with the honorable gentleman from Virginia, (Mr. Barbour,) as to the application and use of the word "establish," as used in the Constitution. It was intended only a power to designate and to give a legal character to the road upon which the mail should be transported, and for that purpose alone. But, supposing that Congress have the power to create and construct a post road, the most liberal construction would not allow Congress to create and construct one, and exercise jurisdiction over it for every other purpose. For the purpose of proving that this was the true construction of the clause in question, Mr. M. read the following passages from the Federalist:

"In the first place, it is to be remembered that the General Government is not to be charged with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects, which concern all the members of the Republic, but which are not to be obtained by the separate provisions of any. The subordinate Governments, which can extend their care to all those other objects, which can be separately provided for, will retain their due authority and activity, &c. A second observation to be made, is, that the immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, &c.

"Let it be remarked, in the third place, that the intercourse throughout the Union will be daily facilitated by new improvements. Roads will every where be shortened and kept in better order; accommodations for travellers will be multiplied and meliorated; an interior navigation, on our eastern side, will be opened throughout the whole extent of the thirteen States. The communication between the Western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals, with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete."

These remarks, said Mr. Mallary, are found in the great commentary on our Constitution; they express the views of some of the most distinguished statesmen of any age or country; of men who assisted, by their wisdom and intelligence, in forming the Constitution of the Confederacy. They had no idea that the General Government would undertake to construct roads and canals, any more than to establish public houses of entertainment, to multiply and meliorate accommodations for travellers.

The honorable Speaker, said Mr. M., considers that the term "establish" is wholly creative. He has illustrated his explanation by a reference to the preamble of the Constitution. It is, "We the people of the United States, in order to form a more perfect union, establish justice, &c., do ordain and establish this Constitution," &c.

It seems to me, said Mr. Mallary, that the honorable Speaker has been unfortunate in his illustration of his views, by making this reference. Is the expression "establish justice," creative? If so, the principles of justice did not exist among the people of the United States until the adoption of the Constitution. It would have been a very singular preamble, indeed, if the people had said "We, in order to form a more perfect union, create justice." The meaning of the expression must be, that the principles of justice, already existing, are to be enforced by the means of the Constitution. Again, it declares that the people do "ordain and establish this Constitution." The plan and frame of Government had been formed by a Convention, created by the people for that purpose. It had been presented to the people for their consideration. They did ordain and establish this prepared plan of Government; they, by establishing it, gave it its legal character—its binding effect. The same may be said of that exercise of power by Congress, when they declare and establish a road, constructed by a State, a post road.

But it seems to be admitted that the power required is nowhere expressly given, yet that it is an original and incidental power inherent in the Constitution. Its great and transcendent character has been described. It is well known how great was the anxiety on the part of the people to preserve their State sovereignties as little impaired as possible. They never intended to confer on the General Government any right or power but such as could not with safety be exercised by themselves. They preferred State independence to national consolidation. The framers of the Constitution, therefore, employed the most precise language, and described the minutest objects, the jurisdiction over which the States were called upon to surrender. It is, therefore, very extraordinary that the power now claimed as so indispensable to the existence and prosperity of the General Government should never have been mentioned at all.

The Constitution gives to Congress exclusive jurisdiction over a District, ten miles square, to be the immediate seat of the General Government. What could be more clear than that the General Government must have power to erect and control a convenient place for legislation? What might, with more certainty, be inferred, had it been omitted, and what more safely could have been omitted, than such a power? Yet we find this power granted in express terms. So of places for the erection of forts. Nothing would seem more necessary and evident, than that the General Government, being charged with the defence of the Union, had power to erect fortresses in that defence, wherever it might deem it necessary. Yet we find this point guarded with the most scrupulous care. No fort can be built, no fortification erected, over which the Government can exercise a sovereign control, unless the soil on which they may stand is purchased by the consent of the States. The same provision of the Constitution extends to the sites of the military posts, arsenals, and dock yards. After having given to the Government of the Union the power to raise armies and build navies, how readily might incidental powers have been discovered, by which it might have created arsenals and dock yards, and governed them also. But the framers of that instrument never thought of the capacity of modern construction. They supposed that nothing was left to presumption, to inference, to opinion, as to the original grant of power. Therefore, express provision is made, that Congress can exercise jurisdiction, only by consent of the State, over the soil where the fort or arsenal is erected. Is it not extraordinary that, in one instance, the States refuse to surrender jurisdiction to an acre of land, to the smallest spot for a national object, until their consent is required, and yet, in another, they intended that the General Government should have the right, by implication, to command all the land and water communications of the nation? Not allow Congress to interfere with a foot of soil for the most important operations of defence, yet allow us to control all those privileges which render the soil of any value! In giving, therefore, a just construction to the Constitution, we ought to allow it consistency, and, to its several parts, some due proportion with each other.

We are told by the honorable Speaker that it is wholly improper to leave the power of constructing roads and other improvements to the States. The States, he tells us, will always make them for their own local convenience; they will not extend their views and policy so as to confer a benefit on other States, much less on the Union at large. But what is the fact? When one State opens a road, does it not take into view the road of another, which is to meet the first, and the places to which it may lead? Interest alone will secure this. Can gentlemen point out in New England, for example, any better directions, more convenient for their own people and for the nation, than where they are constructed? Sir, the General Government can never have more intelligence or wisdom on this subject, than the people of the States. Why, then, interfere? If you want post roads, they must be for the benefit of the people. Wherever you find people, you find roads; and to establish post roads where there are no people to enjoy the benefits, would be very useless employment for an enlightened Government; it would confer but little honor on its administration to exercise its power in the distribution of intelligence where none could receive its blessings. There then is no necessity for inference. It would be as useless to the General Government as vexatious to the States, supposing the claimed power had a Constitutional existence.

It has been asserted that the General Government may exercise its exclusive power over objects of a national character. This, I contend, is to be decided by the Constitution. A great variety of objects are both State and national in their nature. As the Union is composed of the individual States, whatever affects a part, must, in a greater or less degree, affect the whole. If the General Government may control every thing which, by a liberal construction, may be deemed national, the States hold their supposed independence by a miserable tenure. We have been told that the object is national where it cannot be accomplished by the exertions of a single State. There the power of the Union is indispensably necessary. To illustrate this, we are referred to proposed canals between different States. Let me refer to the existing roads between the same States. How are they constructed? Has a want of power ever been discovered? If they are competent to make roads, are they not as competent in power to make canals? If canals between States are of national character, are not the roads national which pass from State to State? If the General Government has the power over canals, has it not equal power over roads which may happen to connect two States? If it has the power over roads which pass their boundaries, has it not the right to seize on all the roads of a State—as their connexion is indispensable? If so, as has been asked, in what does the independence of a State consist?

Again, admit that the power exists in the General Government to distribute the force and commerce of the nation, and that it employ all convenient means to carry that power into execution. Let us see its operation. The State of New York has displayed a noble spirit of liberality, enterprise, and perseverance, in effecting, by her own resources, her great Western canal. Accumulating streams of commerce flow in all directions to her emporium. You now cross the Alleghany with your canal at our common expense. The people of the centre of the Union, from East to West, may believe that an equal share of commerce does not fall to their portion; that too much is enjoyed by the North, and that there ought to be a more equitable distribution. It becomes necessary to control the New York canals. They may be purchased. If New York should demand too much, or prove refractory, the General Government have only to say, We want these water courses, as the means of distributing the force, the commerce, the intelligence of the nation, according to the language of the honorable Speaker, and we must have them. Would the people of New York readily consent to this? Would they look with composure on this exercise of authority—to see the representatives of Vermont, Georgia, Kentucky, and Pennsylvania, meting out that portion of commerce which should pass through their State? Would they be pleased to hear Congress declare that too much commerce found its way to market at New York, and too little found its way across the Alleghany to Baltimore and Philadelphia? Ought not Congress, therefore, to be careful how they assume this power by construction?

The Constitution itself lays it down as a universal principle of its own construction, that all powers, not granted to the General, are reserved to the State governments. But it appears to me that the interpretation demanded by the supporters of the bill proceeds from a contrary rule—that all power, not expressly reserved to the States, must, of course, be vested in the Government of the Union. The rule of proceeding would seem now to be, to find some object which would be convenient for the Union to have accomplished, and then hunt up some hidden power in the Constitution to justify the measure. I cannot find, in the writings of any statesman, or in the discussions of the day, when the Constitution was adopted, any idea that the power now asked to be exercised ever existed in the national charter. No, sir, such were the apprehensions of the times, that, had this power been proposed to be given to the Federal Government, the States would have as soon abandoned their sovereignty and returned to the jurisdiction of the mother country, as have surrendered it.

Mr. Chairman, let me call your attention to another view of the subject. There is a tendency in the General Government to accumulate its own powers. It has the purse, the sword, and undivided exertion. The States are divided, and can seldom act in concert. An injury to one is not felt by the other. The General Government construes its own powers, and can enforce its own construction by the arm of the nation. The States, separately, are weak and impotent. When they claim their powers, the Federal Government is the judge of its right, under a predisposition in favor of its own privileges. If a State is right, it is powerless; if the General Government is wrong, it is also resistless.

The power claimed is said to be of the most beneficial tendency. It will be the means of preserving the Union; of most effectually uniting them. Yes, sir, it may unite the States, it may chain them together, but at the price of their independence. It is the States which are to be the great nurseries of republicanism, It is there that consolidation is to be resisted—aristocracy counteracted. When you strike at the independence of State power, you strike at the root of your republican institutions. Preserve that independence untouched and entire, as your Constitution intended. Give the State governments some of the benefits of construction, and not use it wholly against them.

If consolidation of the States was the express and avowed object of the bill, could any measure be more politic and wise? Congress declares today to Vermont, that we must regulate and distribute your commerce in a manner more beneficial than you have ever done. We will take under our care your roads to other States; we will open for you a canal—for your benefit as well as for the Union; but we claim and will hold jurisdiction. If Vermont is opposed, no other State takes any interest in her concerns. Congress wields the whole force of the Confederacy. The State must submit. The General Government next enters Jersey, and opens a canal through that State. The same difficulties arise, and the same result follows irresistibly. It then turns to Delaware; and, in succession, passes from State to State, encountering each one singly, with its whole strength, influence, and patronage, and the multiplied means which must always be under its control. What, then, must be the condition of the individual States, I again repeat, when these splendid objects are accomplished? If they remonstrate against the policy of the Government, they may be told that Congress holds the avenues of the States. If they intimate that the General Government expounds the Constitution too liberally, that incidental powers are becoming too numerous at the Seat of Government, they may be told that Congress already holds the power to distribute the force of the nation, as well as its commerce and intelligence.

To his view, said Mr. M., in conclusion, the power contended for is of vast importance. It is admitted that it is not expressly given. It was assuming an awful responsibility, on the part of Congress, to take it by a doubtful construction; a construction not necessary for the existence of the General Government, but which would terminate in the prostration of the States. He was, therefore, bound, by a deliberate conviction of duty, to oppose any and every form of its exercise.

Mr. Randolph moved that the bill be recommitted to a Committee of the Whole. This motion (it is supposed with a view to allow the Speaker to take part in the debate) was carried—yeas 106.

Friday, January 16.

The Speaker laid before the House a report from the Secretary of the Treasury, accompanied by a statement, exhibiting the value of the trade which the United States held with Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822, prepared in obedience to the resolution adopted on the 2d instant; which report and statement were laid on the table.

The Committee on the Judiciary were discharged from the consideration of the petitions of George Taylor; of merchants and underwriters of Alexandria, in the District of Columbia; of the executors of the will of Thomas Chapman, of South Carolina; and of the ninth convention of the Manumission Society of the State of Tennessee; and the said petitions were laid on the table.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of William Nichols Earle; which was read twice, and committed to a Committee of the Whole.

Mr. Vinton, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph Wood, of Ohio," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to which was referred the petition of Francis G. Macy, and others, made a report thereon, accompanied by a bill, releasing the owners of the ship General Jackson from the payment of certain duties; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, made a report on the petition of Bernard Thooft, accompanied by a bill, authorizing the issuing of debentures to the petitioner; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, to which was referred, on the 14th instant, a memorial of the Legislature of the Territory of Arkansas, with a report of the Secretary of War thereon, reported a bill, making an appropriation towards the extinguishment of the Quapau title to lands in the Territory of Arkansas; which was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, made a report on the memorial of the trustees of the church of St. Anne, in Detroit, in the Territory of Michigan, accompanied by a bill for the relief of the Corporation of the Church of St. Anne, Detroit, and to authorize the extension of Larned street, in the town of Detroit; which bill was read twice, and committed to a Committee of the Whole.

Mr. Scott, from the Committee on the Public Lands, to which had been referred sundry petitions and memorials upon the subject of land claims in the State of Missouri, reported a bill, enabling the claimants to lands within the limits of the State of Missouri to institute proceedings to try the validity of their claims; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Cook, the Committee on the Public Lands were instructed to inquire whether any, and, if any, what, provision is proper to be made, to enable the holders of claims to land in Illinois, confirmed to them by the Governors of the Northwestern Territory, and which were afterwards rejected by the Board of Commissioners appointed to revise such confirmations, to try and determine the validity of their claims, and, in the event of their appearing valid, to receive compensation therefor.

On motion of Mr. HOBART, the Committee of Ways and Means were instructed to inquire into the expediency of repealing so much of the act, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," passed 29th July, 1813, as authorizes a bounty on pickled fish exported, and of granting, in lieu thereof, an allowance on the tonnage of vessels employed in the mackerel fisheries, in the same way as to vessels employed in the bank and other cod fisheries.

Mr. TOMLINSON laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Commissioners of the Navy Hospitals be directed to report to this House the amount of the sums which they have received and expended by virtue of the act, entitled "An act establishing Navy Hospitals," the balance remaining in their hands on the 31st of December, 1823, designating the sum which has been "absorbed in the pay of the Navy, and which is due to the Hospital Fund," and what measures they have adopted to carry into effect the provisions of the said act.

On motion of Mr. STEWART, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the proper accounting officers to settle the accounts of James Whaley, late a captain in the service of the United States, according to the principles of justice and equity.

An engrossed bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824," was read the third time, and passed.

The amendment proposed by the Senate to the bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," was read, and referred to the Committee on Naval Affairs.

INVALID PENSIONERS.

The House went into a Committee of the Whole on the bill concerning Invalid Pensioners.

Mr. LITTLE moved an amendment, adding the names of certain individuals to the list of those contained in the bill; some conversation took place on this amendment which was at length adopted.

Mr. COCKE moved that the bill be further amended, by striking out the name of James Royal, [who was wounded by an explosion at a *feu de joie*, in celebration of a victory.]

Mr. LITTLE stated, that the committee had inserted this case on the principle that, if a soldier was wounded in the performance of any lawful order of his commanding officer, he was as much entitled to a pension as if it happened in battle.

Mr. TAYLOR assented to this principle, but doubted the fact, and called for the reading of the papers in the case. The papers were read.

Mr. ALLEN observed that his knowledge of the individual in question, and the circumstances attending his case, compelled him to oppose the amendment offered by his honorable colleague.

Sir, this bill is intended for the relief of an unfortunate man, whose devotion to his country has cost him every earthly blessing. After serving a tour of duty in the late war, he joined his comrades, in a public demonstration of joy and satisfaction at the success that attended a cause which every patriot then felt interested in. At this meeting a cannon exploded, and wounded him in the most shocking manner, leaving him ever since blind and helpless.

I am aware that it will be said, the time and place this accident occurred, will not bring it within the principle that governs Congress in granting pensions. I confess that, without reflection, this objection had its weight with me; but, when all the circumstances have been considered, I am fully persuaded it will be found within the spirit and meaning of the policy that ever has governed this or any other country, in mitigating the calamity that war inflicts on those that venture their lives in support of it.

Although this man was not engaged in an act strictly in the line of a soldier's duty, it was an act of infinite service to the country—it was one which every friend to his country felt himself called upon to perform.

Yes, sir, at that critical juncture an expression of public opinion was all-important—it gave new life and vigor to a doubtful contest.

Who is it that does not recollect the efforts made at that time by unprincipled men to impress the enemy with a belief, that the war was not a war of the people. The Hartford Convention and other mischievous engines were busily employed distracting public sentiment. The Treasury was drained of its last dollar, public credit at the lowest ebb, and the soldiers sent home without pay. At such a time was it not praise-worthy to rouse the patriotism of the nation by celebrating its victories and publicly proclaiming the attachment of the people? Yes, sir, victorious battles themselves did not do the case more service than such meetings. This man willingly engaged in both, it was his misfortune to be sacrificed in that kind of service which was voluntary, but not less acceptable on that account.

I ask then, is it fair to exclude him from all the bounty the nation has so liberally bestowed, as well upon unfortunate sufferers in the shape of pensions, as in swords and medals for meritorious achievements? His case is recommended both by merit and unexampled suffering, he has no where else to go for relief; he has tried private charity, and found it too precarious a dependence. The municipal regulations of counties and corporations close the door against him, because it was not their cause alone that made him a pauper. Is death the only friend left to relieve him? I hope not; his country owes him a support, and Congress has the power of granting it without danger from precedent, because there is no other case like it. It is an extraordinary one indeed, and one which ought not to be met by cold calculations and deductions drawn from fixed principles intended for general purposes. It is not by rules and forms that he expects a magnanimous nation to judge him. Is there any one in this House that would not give to this unfortunate man his sight, had he the power to do so? Why then withhold the only remnant of comfort left? Is there any principle, human or divine, that would be violated by doing that which we all believe to be right? If we believe the war made him blind, we must believe the authors of it ought to support him.

Sir, I like to act from principle in legislation, but it must be principle that does no violence to my judgment and feelings. There is a principle of right and wrong, implanted by nature, which cannot be misunderstood. I will take it for my guide in voting for this bill.

On the question being taken, the motion of Mr. Cocke was agreed to, and the name stricken out.

The bill was then reported as amended, and ordered to be engrossed for a third reading.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. McDuffie, the House went into Committee of the Whole on the state of the Union, on the resolution by him reported from a select committee, for amending the Constitution of the United States, respecting the choice of Electors of President and Vice President.

Mr. Forsyth, of Georgia, was desirous that the consideration of this subject should be postponed. He had not had opportunity to prepare himself to discuss it, and he asked it from the courtesy of the mover, that the subject should not be pressed at this time. He had a further reason. It was known to all that the Senate was now occupied on the same subject, and he was desirous to wait, and first see whether that branch of Congress could not come to some decision in respect to it; and he moved that the Committee rise.

Mr. McDuffie said, that he had given notice of the present discussion three weeks ago, and the notice had been repeated, from time to time, ever since. It was probable the subject would occupy the House more than the present day; and, as it had been usual, thus far in the present session, to adjourn over from Friday to Monday, the gentleman from Georgia could have time to prepare himself before any question should be taken on the resolutions; he, therefore, could not consent to defer the discussion.

The question being taken on the motion to rise, it was decided in the negative.

Mr. McDuffie, of South Carolina, commenced by remarking, that, entertaining a deep conviction that the harmony of the Union, and the purity of the Government, were essentially involved in the proposed amendment, he could not but congratulate the Committee and the country upon the propitious combination of circumstances under which it would now be investigated. While the current events of our history, said he, furnish a practical and impressive exhibition of the evil tendencies of our system, in that department which it had been found most difficult to organize, we shall be shielded from the imputation of acting with a view to personal objects, or under the influence of temporary considerations, by the moral, I may almost say, the physical impossibility of consummating the amendment in time for it to operate in the approaching election for the Presidency.

In bringing forward a proposition so fundamental in its character, and calculated, in my opinion, to exert a lasting influence upon the happiness of future generations, it is a source of sincere gratification to reflect, that the measure does not rest upon the recommendation of an individual so humble and inexperienced as myself, but that its leading provisions (subject to some subordinate modifications, which, I hope, will be adopted) are approved and sanctioned by many of the most profound and experienced statesmen of the country. This proposition has been for more than eight years before the nation; it was recommended by a majority of the States, and a change has been anxiously desired by a large majority of the American people. When, to the imposing weight of these circumstances, we add the consideration, that the great body of the people are, at this moment, deeply and justly excited upon the subject, it must be apparent to every member of the Committee, that this proposition comes before us with a weight of authority which imperatively demands, and will undoubtedly secure for it, the most solemn and dispassionate consideration.

I am not unaware of the difficulty which must be encountered at the very threshold of an investigation having for its object a fundamental change in the Constitution of the country. There is a general indisposition to touch that instrument, proceeding, I believe, from a sort of vague and indefinite apprehension that it may give rise to a spirit of innovation more dangerous than even the acknowledged vices of the system itself. As I know these to be the views of several honorable members, I feel that I am called upon by the occasion to present some general views of what I deem to be the true theory and philosophy of Constitutional amendments.

The dread of innovation, by which some gentlemen are restrained from giving their sanction to amendments, which they believe to be judicious in themselves, may be traced, said Mr. McD., to the history of simple democracies, or of countries in a revolutionary state. In the ancient republics, for example, where popular oratory exerted an absolute ascendency over the passions of the multitude, it was necessary to secure the existing institutions against the fluctuating movements of the popular will, by all the barriers of superstition and public opinion. The history of republican France, recorded in the blood of the various factions which were successively thrown up and destroyed by the universal commotion of the political elements, is a striking illustration of the tendency to perpetual changes while a country is in a state of revolution. But these examples, while they show the dangerous tendency to innovation, in certain forms of government, and certain conditions of society, indicate, at the same time, a distinction which will warrant me in the assertion that our tendency is of an opposite kind. Indeed, nothing can be more true, in relation to countries in a state of political tranquillity, than the proposition contained in the document which proclaimed us a free people; "that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by throwing off the forms to which they have been accustomed."

But it has often been urged in conversation, that, by making amendments of the Constitution, we should impair the popular veneration for that instrument. This may be true, and doubtless is true, of governments founded upon injustice and usurpation, and resting, for their security, upon the ignorance of the people. It is unsafe to subject to the scrutiny of reason, institutions which cannot stand the test of investigation. But nothing can be more dangerous than the inculcation of this sort of superstitious idolatry in this country. Its inevitable tendency is to confound the vices of our system, with the system itself; and, in that way, to convert the best feelings of the community into the means of preventing the correction of imperfections, which time must disclose, in all human institutions, and of perpetuating abuses, from which no government, administered by men, has ever been exempted.

We should never forget (what is our proud distinction) that this Government is founded upon the intelligence of the people; and that, in proportion as their veneration and attachment for the Constitution proceeds from a discriminating attention to its practical operation, in the same proportion will their liberties be secure and the Government preserved in its purity.

It is, indeed, one of the most important rights of a free people to make those gradual changes in their political institutions, which may be indicated by the changes in the social system, the progress of intelligence, and, above all, by the lights of experience. It is in this way, and in this way only, that the Constitution of a country can be adapted to the condition and circumstances of the people whose liberty it is intended to secure. No constitutional provision can be wise which has not this peculiar adaptation; and no part of the Constitution evinces the wisdom of the Convention more clearly than the provision made for its amendment.

This, said he, is an age distinguished for improvements in the science of Government. Within the last fifty years it has made more signal advances than at any former period of the world. Within that time, we have ourselves made a great political experiment, which is destined, I trust, to have a lasting influence on the affairs of mankind. But it cannot be disguised that the Executive department of this Government was organized by the Convention, without any of those benefits of experience which aided them in the establishment of the other departments. Representative assemblies had existed here from the first settlement of the country, to say nothing of the experience of England. A similar remark may be made of the Judicial department. But the world had never witnessed the spectacle of an elective Chief Magistrate, presiding over so extensive a country, containing millions of freemen, from whom his authority was at least intended to be a direct emanation. And, accordingly, said Mr. McD., we find the provisions for electing the Chief Magistrate of the Republic more imperfect, in their actual operation, than any contained in the Constitution; though, at the time of its adoption, those provisions were believed to be the most unexceptionable of all. We must, therefore, make up our minds to examine and expose the vices of the system; and nothing can more clearly show the safety with which this may be done, than a particular investigation of the process through which every amendment must pass before it can become a part of the Constitution. To effect any change, the concurrence of two-thirds of both branches of Congress, and three-fourths of the State Legislatures, is indispensably necessary. Is it possible, then, that any change can be precipitately made, under the influence of temporary delusion? I will venture to predict that no amendment will ever be adopted that is not sanctioned by the deliberate sense of a decided majority of the people, long and steadily maintained. This is conclusively demonstrated by the history of the very proposition we are now discussing. It has been more than eight years before the people, and has been constantly gaining ground during the whole of that period. It was originated by the intelligent, patriotic, and unpretending State of North Carolina; a State which is honorably identified with one great era in our political history, and I sincerely hope it is her destiny to be associated with another, in my opinion, not much less important. I believe history will accord to her the honor of having first made a declaration in favor of the national independence; and, if this amendment should be adopted, (as it certainly will be, at no distant period,) she will have another title to the lasting gratitude of the nation. Her proposition was sanctioned by a majority of the State Legislatures—I believe, by nearly three-fourths of them—and, in several instances, by an unanimous vote. It has been repeatedly discussed in Congress, and as repeatedly passed by two-thirds of the Senate; and, in one instance, it wanted but three or four votes of a Constitutional majority in the House of Representatives. Now, said Mr. McD., there is no political principle more undeniable than that the deliberate opinion and settled conviction of a majority of the people, in a Government recognising in them the right and the capacity of self-government, ought to prevail over the will of the minority, even in relation to the Constitution. Why, then, it may be asked, does that instrument require, for an amendment, the concurrence of more than a majority? I answer, for the very wisest of purposes; but not, surely, to give the permanent ascendency to the opinion of the minority. This requirement was intended for no other purpose, than to prevent hasty and inconsiderate changes, and to give time for reflection and deliberation. But when the sense of a decided majority of the community is permanently and unalterably settled down in favor of any amendment, the end of this provision is answered, and the minority ought to yield. I will not say, that they have not the Constitutional right, as well as power, to oppose the will of the majority; but I contend, that it is their moral duty, as well as their undoubted interest, to yield, under such circumstances. I have said, that this Government rested upon the intelligent and discriminating attachment, and not upon the superstitious veneration of the people. I will now add, that nothing can more effectually impair their confidence in our political system, than a pertinacious adherence to parts of it, which they believe to be vicious, and calculated to deprive them of their just rights.

I will now proceed, said Mr. McD., to show, and I flatter myself it can be done to the satisfaction of the Committee, that this amendment has none of the characteristics of innovation; and proposes only to reclaim the usurped rights of the people, and to draw back the Government to its true original principles.

The Constitution provides that "each State shall appoint, in such manner as the Legislature thereof shall prescribe," the Electors of the President. I am not, said he, in the habit of construing a Constitution, addressed to the common sense of the great body of the people, with logical refinement or critical nicety. I cannot but remark, however, that it is a very liberal mode of construing the powers of the State Legislatures, to assume, under the general authority to prescribe the mode of making an appointment, the right of making that appointment themselves. The intention of the Convention on this subject is so conclusively shown as to supersede argument, by a contemporary exposition of the Constitution, written by three of the most distinguished members of that illustrious body. The *Federalist* contains the following words: "They [the Convention] have 'not made the appointment of the President to depend upon pre-existing bodies of men, who might 'be tampered with beforehand, to prostitute their 'votes; but they have referred it, in the first instance, to the immediate act of the people of 'America, to be exerted in the choice of persons 'for the temporary and sole purpose of making 'the appointment." Such was the exposition made to the American people by the framers of the Constitution, while the expediency of its adoption was still a pending question; and there can be no doubt that this exposition operated as a strong inducement with the people to adopt the Constitution. The great improvement which the Convention made upon all the federative systems of which history furnishes any record, was in the introduction of the provision that the General Government should not operate upon the local governments, or States collectively, but upon the people directly and individually. To complete this great improvement, which constitutes an era in the history of confederated Governments, it is indispensable that the people should act upon the Government as directly as the Government acts upon the people. In this manner, responsibility is made to be co-extensive with power, the only adequate security for freedom which is to be found in our system. It would, indeed, be a strange anomaly if the General Government should be controlled by the State governments, and operate upon the people. It is, said he, an extraordinary notion which some indulge, that the State governments are to be considered as sentinels to guard the people against the encroachments of the General Government; and it is a notion still more extraordinary, that they were to be secured in their fidelity by making them instrumental in creating that Government. Is there no danger that these sentinels will prove faithless? Is it not a reasonable apprehension that combinations may take place between the two classes of public agents, and that the State governments will, instead of checking, give a morbid impulse to the usurpations of the General Government? It seems to me to be an entire misconception of the true theory of our system, to suppose that our freedom is to be secured by this irregular sort of checks and balances. The great and only efficient security is a practical responsibility to the people themselves—a responsibility which is completely broken by the interposition of the State Legislatures.

Mr. McD. said he would next attempt to demonstrate the position assumed in the report of the select committee, that there existed no Constitutional provision for the appointment of a President, and consequently, that the question really to be decided was, whether we should have a Constitution or no Constitution in this important particular. A Constitutional provision, said he, is a rule established by the people in their original act of sovereignty, paramount to any legislative act, whether emanating from Congress or the State Legislatures. In this sense, I challenge gentlemen to point out any Constitutional rule which fixes the mode of electing the President of the United States. To say that each State Legislature prescribes its own rule, is a distinct admission that there is no established rule at all, characterized either by permanence or uniformity. In fact, our experience has taught us that the modes of choosing Electors are as various as the views of different States, and as changeable as the power and ascendency of rival parties. In one State the appointment is made by the Legislature; in a second, by a general ticket; and in a third, by districts. In the same State, these various modes are adopted according to the exigency of circumstances, and accordingly as the one or the other may be best calculated to accomplish the views of the ascendant party, or to give the State the greatest possible power in the Presidential election. I confidently submit it to the justice of the Committee, whether there ought not to be some uniform rule on the subject? Is there a shadow of equity in giving one State the advantage of a consolidated vote, while another is divided into districts, and probably neutralized by the division?

No State will submit, or ought to submit, to such flagrant injustice. A conflict is thus produced in which correctness and expediency are arrayed against each other. The district system is the true system; that to which the people are attached, because it renders their elective franchise efficient, and gives to every portion of the State its legitimate influence. But, as long as some of the States adhere to the general ticket system, all the rest will be compelled, in self defence, to adopt it, and, in this manner, the very worst plan will prevail, from a sort of State necessity, in opposition to the deliberate sentiments of the community. North Carolina has always been attached to the district system, but has finally abandoned it, and justly abandoned it, because other States would not adopt it. The State of Maryland, magnanimously sacrificing her influence to her principles, has, up to this moment, adhered to the district system, and thus neutralized her weight in the election of the President. Her noble example, so worthy of imitation, has not been followed, and, if I were a citizen of that State, I would no longer submit to the disinterested sacrifice, while other States are so little disposed to appreciate it.

From this brief view of the operations of the existing system, said Mr. McD., I think the plan of the select committee will be exempted, at least, from the charge of innovation. It proposes to substitute uniformity in the place of variety; permanence in the place of perpetual changes; and the plan evidently intended by the Convention for the chaos of clashing expedients, which has sprung up under the influence of State rivalry; and yet we are told of the danger of innovation, and that all reverence for the Constitution will be destroyed by changing it! What, I ask, is meant by the Constitution? Is it the parchment upon which it was written, and the words in which it is expressed? Assuredly not. Properly understood, it means the system of government and the fundamental rules by which it is organized. In this sense of the term, the Constitution may now be changed every month in the year, and almost every day in the month; and it is the tendency of the proposed amendment to prevent these ceaseless changes, originating in the ambitious conflicts of contending parties, and productive of the most violent and acrimonious excitement, that furnishes one of its strongest recommendations.

I have already shown, from the highest authority, that the Convention intended that the Electors of the President should be chosen by the "immediate act of the people of America." I will now attempt to show that it was equally intended that the people should vote by districts. I believe I may safely assert, that, at the time the Constitution was framed, the general ticket system, by which the whole population of a State gives an aggregate vote, either for Representatives or other public agents, was unknown in the political history of the world. I call upon gentlemen, if any such example existed, to produce it. It is an invention of after times, the mere offspring of temporary expediency, and never entered into the conception of the Convention. By adverting to the proceedings of that body, it will be seen that all the propositions, involving a specification of the mode of choosing Electors and members of Congress, contained a provision for dividing the States into districts. The mode of choosing was finally left to the State Legislatures, that they might regulate the details of the election; but, in the confidence that they would adopt the only plan of popular election which had ever existed. The State Legislatures have violated the confidence reposed in them, and it is certainly time that the people should reclaim their lost power, and secure themselves in its exercise by a permanent regulation made by themselves, and not liable to be altered by any set of public agents. Mr. McD. next proceeded to examine the practical operation of the general ticket system. He said a system could not be devised more pregnant with danger to the very existence of the republican form of our Government. Reason and experience concur, said he, in demonstrating that where the whole mass of the people of a State votes in common for the whole number of Electors, some central power is necessary to nominate the Electoral ticket; or, to give it a more general expression, to concentrate popular opinion. Disguise it as we may, the result must be that the elective power of the State will be thrown into the hands of a few political managers. I do not mention this with a view to cast the slightest censure upon those into whose hands this power may happen to fall; but to expose the vices of a system which makes such a dangerous depository of power inevitable. I admit that, as long as the general ticket system prevails, such a depository, dangerous as it is, must exist, and ought to exist. New York, being the largest State in the Union, will furnish the strongest illustration of the subject. That State is entitled to thirty-six Electors, and consists, probably, of forty or fifty counties. Admitting that a vast majority of the people should be united in their preference for a particular candidate for the Presidency, would it be practicable for them to agree upon Electors to carry their will into effect, without some political combination, (I will not characterize it by the odious name of junto,) clothed with authority to prescribe the Electoral ticket to the people? It is impossible. Thus the elective power would be nominally restored to the people, while, in point of fact, it would be exercised by a few prominent politicians, who might happen to have the ascendancy in the State. Admitting these to be as virtuous as any one may choose to suppose them, is it consistent with wisdom to make a system universal, which offers such facilities, and holds out such temptations, to intrigue and corruption? What would be the case presented under such system? The whole Electoral votes of the State, thirty-six in number, and, in all probability, absolutely decisive of the Presidential election, depending upon the influence of a few individuals, perhaps of a single individual! What, in such a case, is the temptation to use corruption? The Presidency itself. What the means? The whole patronage of the Government. What the security? The virtue of a single individual! Sir, said he, I will not say that such a state of things will inevitably result in corruption; but I will say that, if it does not, the virtue of public men is, under all circumstances, an ample security against their ambition, and that no political check, no tie of responsibility, no Constitutional regulation, is necessary to secure the liberties of the people, and preserve the purity of the Government. Upon the whole, I am inclined to think, that, in the course of time, the general ticket system will be found, at least, as bad in practice, as the appointment of Electors by the State Legislatures.

Another objection, said he, exists against the general ticket system, which has been explained in the report of the select committee. It deprives the minority of their unquestionable rights in the respective States, and makes it to depend upon accidental combinations, whether a majority or a minority of the whole of the people of the Union should elect the President. In the result, the majority, however inconsiderable, gives its own vote, added to that of the minority; although, in point of fact, the vote of the minority is opposed to that of the majority, and ought to be subtracted from it. I am aware that it may be answered that, in voting by districts also, the voice of the minority, in each district, will be suppressed. This is true, but it only goes to show that the remedy proposed is not perfect. It will be obvious, on the slightest reflection, that the probability of such combinations as would throw the Government of the country into the hands of a minority, under the general ticket system, is, to the probability of such combinations under the district system, as two hundred and sixty, the number of districts, is to twenty-four, the number of States. In any given State, for example, the chances are, that the minority in one district will counterbalance the minority in another: so that the electoral vote of the State will nearly correspond with the aggregate popular vote, giving the minority its due weight. But, even if it were otherwise, the district minorities, being small masses, will submit to the will of the majority, without any violent excitement. On the contrary, the aggregate minority of a whole State, distinctly perceiving their numerical strength, and feeling the injustice, not only of throwing their vote out of the general estimate, but of giving it to the candidate against whom they intended it to operate, would have deep and permanent feelings of discontent. This would be more certainly and more justly the case, if the districts which constituted the minority should have, in reference to the great concerns of agriculture, manufactures, or commerce, interests different from those of the majority.

There is another view of the general ticket system, calculated, I think, to make a deep impression upon every member of the Committee who will duly consider it. This system places it in the power of States to form political leagues, and secret combinations with each other, for the purpose of securing the elevation of a particular individual.

The few politicians into whose hands the whole elective power of the States would be thrown by the operation of this system, would be enabled to form alliances, by which States might be brought to co-operate in the Presidential election, whose principles and interests were wholly different. Under the district system, such combinations could not take place. It would be utterly impracticable for two hundred and sixty districts, each having its own separate will, and its own centre of operation, to be brought to co-operate, by all the powers of intrigue and corruption.

Mr. McDuffie next invited the attention of the Committee to the last branch of the amendment; that which provided that, in the event of there being no election at the first balloting, that the names of the two highest candidates should be sent back to the Electors. This, said he, will almost infallibly insure an election by the people. But, I have heard it urged as an argument against this part of the plan of the select committee, that the length of time which would elapse between the appointment of the Electors and the second balloting, would give an opportunity for tampering with them to prostitute their votes. As this is the only argument which, I believe, can be urged against this branch of the amendment, I beg the particular attention of the Committee, while I attempt its refutation. The only fair mode of reasoning upon this subject, is, to examine the operation of the whole scheme proposed, in comparison with the existing system. How, then, stands the comparison? As the Constitution now stands, the general ticket system will universally, or at least generally, prevail. Under that system, it is a notorious fact, that the Electors are nominated from ten to eleven months before their election. I appeal to the honorable members who represent States where the Electors are appointed by a general ticket, to bear witness to the fact. The general practice has been for the Legislatures to nominate the Electoral ticket in December or January, and from that time to the period of their election, in the succeeding November, it is as well known who will be the Presidential Electors, as if they had been actually chosen.

In Virginia, I may almost say the Electors are a permanent body, as I understand they are scarcely ever changed; and we had recently seen an Electoral ticket formally announced in North Carolina for the ensuing election in November. Now, what, said he, will be the operation of the proposed amendment? The district system will supersede the necessity of previous nomination, and the time for tampering with the Electors will be only from the period of their actual election, to the period of their final vote on the second balloting. This will not be more than two months at the utmost. And is it possible that gentlemen can overlook the dangers to which I have just adverted in the present system, and yet indulge a serious apprehension, that two hundred and sixty Electors, emanating directly from the people, and scattered over the whole Union, will be liable to corruption? Will two months furnish ampler opportunities for intrigue than eleven? It is most obvious, that the danger is greater, under the present system, at the first balloting, than it will be, under the proposed plan, at the second.

Of this part of the amendment I may safely say, as I have said of the District system, that it has none of the characteristics of an innovation. It introduces no new principle into our system. Its only effect will be, to render efficient the primary mode of election established by the Convention. Had the framers of the Constitution foreseen that, from the multiplication of States, and the increase of local interests, the number of candidates would be so great as to render an election by the House of Representatives an ordinary occurrence, they never would have left the Constitution where it is. They evidently contemplated the devolution of the election upon this body as an extreme contingency, which would scarcely ever occur, but when two candidates should have an equal number of votes. This is apparent, from the exclusion of members of Congress from the Electoral College, and from the fact that, in all the discussions upon the mode of electing the President, scarcely any thing was said as to the fitness of the House of Representatives to exercise the electoral function. Even if the objection urged against the second balloting of the Electors rested upon more substantial grounds, said Mr. McD., its efficacy in preventing the election from devolving on the House of Representatives, would reconcile me to its adoption. I trust I shall not be considered as speaking disrespectfully of the body of which I am a member, in the general remarks I shall feel it to be my duty to offer to the Committee, on this part of the investigation. I can say, with the utmost sincerity, that I have never been associated in the public service with a body for whom I have a higher respect than for this branch of the National Legislature. For wisdom and virtue I do not believe they are excelled by any deliberative assembly of the world. But, sir, this part of the discussion must have reference to general principles, which are to operate through the long course of future time; and, in this view of the subject, the only concession which I ask, as the basis of my argument, is, that the House of Representatives will always be composed of *men*. I will grant all the wisdom and virtue which any gentleman may choose to ascribe to them, and I still believe it can be shown that nothing can endanger the purity of our republican system so much as the habitual election of the President by the members of this body.

Sir, said Mr. McD., I believe it is in the power of human wisdom to keep out of temptation, but I do not believe it is always in the power of human virtue to resist it, when thrown into the sphere of its fascinations. And if there existed no other evidence of the Divinity of our Saviour, than the admonition he has left us, to pray for deliverance from this besetting enemy of frail humanity, I should deem that sufficient. The danger to be apprehended from the election of the President by Congress, is not from corruption, in the vulgar acceptation of the term. In a country of so much intelligence and virtue, it would be difficult to find a man so basely treacherous as to sell himself by a palpable act of political prostitution. But it is to be remarked that, in Congress, will be generally found the ambitious and aspiring men of the country, and that the President will have the dispensation of those offices which are the natural objects of their aspiration. I need not explain the insidious disguise under which ambition may approach a member of Congress, with the whole patronage of the Government in his hands; nor the manner in which self-interest can delude the judgment, and convert a man into a factionary, without even his being conscious of the transmutation. These things must be obvious to every one who understands the human heart and the operation of the human passions. The politicians of the country, therefore, are the very last men to whom the election of the President should be confided. They, and they only, are exposed to that sort of temptation from which only any danger is to be apprehended. I solemnly declare, sir, that I would prefer that the College of Electors should be composed of the plainest farmers of the country, emanating directly from the people, and having no political expectations, rather than that it should be composed of the most wise and virtuous politicians, engaged in a course even of honorable ambition.

Nothing is more to be deprecated in the present system, than its tendency to convert Congress into a theatre for the Presidential canvass. In the course of time that question will infuse itself into the whole legislation of the country, and be productive of the most injurious distraction in the national deliberations. Members will be drawn into the vortex, and converted into partisans of the different candidates, equally by the best and the worst of the human passions. This House is not without some experience on that subject already, nor can it be disguised, that discussions of the character to which I have alluded, have tended to disgust the people and alienate their confidence. We are sent here for the great purposes of national legislation, and ought not to be distracted by considerations of a different kind.

The duties of legislating for the Republic, and electing the Chief Magistrate, are incompatible in their nature, and their combination is productive of the greatest embarrassment with the people, in the election of Members of Congress. These should be elected in reference exclusively to their virtue, talents, and capacity to serve the people. But it frequently happens that members of this description differ with their constituents as to the person who should be elected President. At the approach of every Presidential election, therefore, the people will be exposed to the disagreeable alternative of discarding many of their most faithful public servants, or of being misrepresented on the subject of the Presidency. The division of functions is as important in the Constitutional distribution of power as the division of labor in political economy. The qualifications of a Member of Congress have not the remotest connexion with his opinion of the respective competitors for the Presidency, and yet the people will regard, and ought to regard, the latter consideration as long as Congress shall have so direct an agency in the election of the President. The inevitable result, which will consummate the evils of the existing state of things, if the election of the Chief Magistrate be not removed, both in theory and in practice, from Congress, must be that the country will be governed by a succession of factions. By a faction, I mean a combination of politicians, habitually and systematically acting together, and aiming to wield the Executive Government, not with a view to political principles or the interest of the people, but to the distribution of its patronage. This, sir, is the true source of the morbid violence of party conflicts, and the fluctuations of national policy—evils peculiarly to be deprecated in a Republic. When politicians array themselves against each other, not as the organs of their constituents, but in pursuit of their own aggrandizement, they often find it necessary to invent sources of collision where none really exist. It becomes a mere contest between those who are in and those who are out of power, and the fact that one party has adopted a particular course of policy, is a sufficient reason for the other to oppose it. Hence, it will be found that every canvass for the Presidency will involve in jeopardy the great institutions of our national policy. The obvious, and, in my opinion, the only remedy is, to take the election of President out of the hands of politicians, and restore it to the people. Let neither the President be dependent upon Congress, nor the Members of Congress the instruments of the President. Destroy the connexion altogether. No people on earth are more steady in their principles than the people of the United States. They will communicate their own energy and steadiness to the Executive, if that department should be made directly responsible to them. I am warranted by our experience in saying that the people have more spirit to resent injuries, and more fortitude to sustain the burdens and privations incident to their defence and security, than any combination of politicians. The people look only to the good of the country; politicians look to their popularity also; to the means of preserving or obtaining power. I recollect, with shame, the degradation of our national character previous to the late war, and with a just pride the spirit of a brave and patriotic people, by which the country was reclaimed from its fallen condition. That war was emphatically a war of the people. Their representatives were literally driven into it, many of them with fear and trembling.

I will now proceed, said Mr. McD., to a very delicate part of this investigation, that which relates to the compromise between the large and the small States, involved in the proposition. As this will probably have as much influence upon the fate of the amendment as its own intrinsic merits, I beg the particular attention of the Committee, while I attempt to show that the mutual concessions provided are so obviously just that it is the interest both of the large and small States to make them. The division of the larger States into districts will prevent them from throwing their unbroken and consolidated vote into the Presidential contest, and from forming political combinations in reference to that object; and this is the equivalent which they give the small States for the surrender of the equal suffrage to which they are now entitled in the House of Representatives, on the contingency of the election devolving upon that body. The powers thus mutually surrendered, both by the large and the small States, are powers in my opinion utterly inconsistent with the fundamental principles of a republican Government. I have already shown that the general ticket system would transfer the elective power from the people into the hands of a few, and that it opens the door for corrupt combinations, by which an active and organized minority might govern the Union. I shall now endeavor to show that the contingent power of the small States proposed to be surrendered is even more dangerous; and that, upon the principles of popular sovereignty, it is absolutely indefensible. Upon what principle can a citizen of Delaware claim to exercise thirty-six times as much of the sovereignty of the country as a citizen of New York? Is there a semblance of justice, or even a plausible ground of expediency, by which such a claim can be sustained? Have the people of the small States any interest in the exercise of such a dangerous power? Let it be remembered that the people do not exercise the power themselves, but that their representative, whoever he may happen to be, will wield one twenty-fourth part of the elective power of the country. Can it be conceived that the people of a small State are ever desirous of placing such a fearful power in the hands of a single man, when it can have no other effect than to defeat the will of the majority of the people? There is no political principle more universally admitted in this country than the right of the majority of the people to govern. It is the very essence of a Republic. The only security we can have for the virtue and intelligence of public agents is, that they are the choice of the majority; and, most assuredly, this is the only means of securing to the Government the confidence of the people. And have not the small States the same interest with the large States, that the Executive Government should be administered by virtue and intelligence, and sustained by the confidence of the people? In such a question the citizen of Delaware has the same interest with the citizen of Pennsylvania. The interposition of an imaginary line can make none but an imaginary difference between them.

A combination of small States, containing only one-fifth part of the population of the Union, might, under the present system, elect the President. Such an event is not only possible, but probable. Indeed, it is a rational presumption, that the minority will generally prevail, when the election shall be made by the House of Representatives. Sir, no event could occur, more to be deprecated. The man who is elected by such a combination of small States, if he had the purity of an angel, could not command the confidence of the people. A single Representative is more easily secured by political expectations, or corrupt bargains, than thirty-six. Ambition would be tempted, therefore, to bring all the arts of intrigue to operate upon the Representatives of the smaller States. And how would the people reason upon the subject? They would see the power of the country thrown into the hands of a minority by the votes of a few individuals, exposed to the highest human temptation. To say nothing of the actual danger of corruption in such a state of things, it is sufficient to say, that the people would generally suspect it. It would excite a deep and dangerous distrust, calculated to alienate their affections from the system itself. I cannot conceive a situation involving a more painful and embarrassing responsibility than that of the Representative of a small State, under such circumstances. No degree of virtue could shield him from the imputations against his political integrity. And what would be the predicament of an Administration, elevated to power by a minority, under suspicions of corrupt influence, and, as a natural consequence, opposed by the popular branch of the National Legislature? A scene of distraction would be presented, which would be little better than anarchy.

Sir, the people of this country will never submit to be governed by a minority. If we do not amend the Constitution, so as to prevent that calamity, they will change it, and ought to change it, in practice. It is my firm belief, that, if we do not adopt an amendment similar to the one proposed, a Convention of Delegates will be regularly appointed by the people, to nominate a President, and that their nomination will be regarded as conclusive. What, then, will the small States gain by pertinaciously refusing to concur in the amendment? They will retain a contingent power, which the large States will never permit them to exercise. This is not all. The large States, by being driven into combinations against the small, will not only govern them, but govern them with the feelings of an adversary party. A notion seems to prevail with some, that, if this amendment is adopted, the small States will be liable to be oppressed by the large States. There never was a more unfounded apprehension. The small States are the favorites of the Constitution, and, even under the proposed amendment, would be eminently so. A very slight examination will make this apparent. There are seven States in the Union, which, together, contain a population smaller than that of North Carolina. What is their relative power? They have fourteen votes in the Senate, a co-ordinate branch of the Legislature, while North Carolina has but two! This, too, is a power of which they can never be deprived. And yet we are told that the small States are in danger of oppression! Their rights and interests can only be infringed by law; and their ascendency in the Senate, is an impassible barrier against any such danger. In point of fact, the small States are so distributed among the large, and their interests so variously blended, that there can be no inducement to oppress them. But even if the seven States before mentioned lay adjacent to each other, and constituted a separate local division of the country, having interests different from the rest of the Union, would these interests be less amply secured by their subdivision into small States? Would they consent to be consolidated into one? Most undoubtedly they would not. And even in the Presidential election itself, they have a decided advantage over the large States. The seven States to which I have alluded, are entitled to twenty-six electoral votes, while North Carolina, with a larger population, is entitled to fifteen only. States, having a single Representative, are entitled to three Electors for a population of forty thousand; whereas the large States are entitled to but little more than one Elector for the same population.

There is one general remark, said Mr. McD., applicable to the powers which both the large and the small States surrender by the provisions of this amendment. They are not only powers peculiarly liable to be abused, and, therefore, inconsistent with the purity of the Government; but they are powers in which the people of those States have no sort of interest, however profitable they may be to their politicians. What benefit can the people of a large State derive from concentrating their whole elective power in a few hands, or of a small State, from exercising, through a single Representative, a disproportionate share of the elective power? In either case, a few politicians may derive an advantage from having it in their power to secure such a distribution of the Executive patronage, as they may desire; but the people will derive no solitary advantage, unless exposing their public men to unusual temptations, can be so considered.

This, sir, (said Mr. McD.) is really a contest between the interests of the people and the interests of politicians, and I am gratified to perceive so general a disposition, both among the members from the large and small States, magnanimously to surrender up the powers in question, as a sacrifice to the purity of the Government and the harmony of the Union. I confess, sir, I feel an uncommon solicitude upon this subject, more than I have ever felt on any other, since I have directed my attention to public affairs. I believe an expectation was very generally indulged, previous to the meeting of this Congress, that our deliberations would be distracted by discussions having reference to objects of a personal nature, and which would neither reflect credit upon us nor confer any benefit upon the country. Let us disappoint these expectations. Let us evince our devotion to the interests of the country, by establishing, upon an immutable foundation, those great principles of Constitutional freedom, which will secure to us the gratitude of future generations. For myself, sir, I can say, in a spirit as sincere as it is unambitious, that I would rather go down to posterity even as an humble instrument in effecting this great Constitutional reform, than to receive all the living honors this Government can confer.

When Mr. McDUFFIE had concluded—

The Committee rose, and the House adjourned to Monday.

Monday, January 19.

Mr. Call presented a petition of sundry inhabitants of the coast of Florida, praying that the port of Fernandina, in Amelia Island, may be established as a port of entry.

Mr. Call also presented a memorial of the inhabitants of East Florida, praying for the passage of a law excluding foreign wreckers from the coast of Florida, and to designate some particular port to which wrecked property shall be carried.

The petition and memorial were referred to the Committee on Commerce.

Mr. Webster presented a memorial, signed by Thomas Sewall, John N. Moulder, E. B. Caldwell, Samuel N. Smallwood, and Andrew Way, jr., a committee appointed at a numerous meeting of the inhabitants of the City of Washington, on behalf of said inhabitants, praying Congress to take measures to assure the people of Greece of the deep interest felt by the people of this country in the contest which they are now carrying on against the Turkish Government for their emancipation and freedom, and of the sincere good wishes of the Congress of the United States, for the ultimate success and triumph of their cause; which memorial was committed to the Committee of the whole House on the state of the Union.

Mr. Hemphill presented a memorial of sundry inhabitants of the city of Philadelphia, praying, respectively, that additional duties may be imposed on iron and iron castings, hereafter imported into the United States.

Mr. Whitman presented a memorial of the manufacturers, mechanics, and friends of national industry, citizens of the State of Connecticut, praying "that Congress would revise and increase the tariff of duties, by such additional duty on woollens, fine cottons, and iron, and such duty on auction sales as will encourage the manufacturer, and protect him from the greatest evil, the art and designs of rivals abroad."

Mr. Marvin presented a memorial of delegates from most of the counties in the State of New York (especially deputed at large county meetings composed of all classes of citizens) convened at the Capitol, in the city of Albany, in the State of New York, praying, generally, that more efficient protection may be afforded to the manufacturing interest of the country; and specifically "that a duty may be laid upon the importation of any woollen or cotton goods, upon the export of which to this country a protecting duty shall be paid by any foreign Government, to twice the amount of such protection;" which memorial was laid on the table.

Mr. Cassedy presented a petition of sundry aliens, residing in the State of New Jersey, praying that the laws upon the subject of naturalization may be revised and amended, so as to afford greater facilities to foreigners wishing to become citizens of the United States.

Mr. Jennings presented a memorial of the General Assembly of the State of Indiana, praying for the aid of Congress in opening a canal navigation between the waters of the river Wabash and the waters of Lake Erie; which memorial was committed to the Committee of the whole House, to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, and to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Mr. Brent presented a petition of inhabitants residing north of Red river, in the State of Louisiana, praying for an alteration in the mode at present pursued in surveying the public lands in that State, and that the plan adopted in the State of Illinois may be adopted; also, that the right of pre-emption may be extended to settlers on public lands in certain cases.

Mr. Owen presented a memorial of the General Assembly of the State of Alabama, praying that the right of pre-emption in the purchase of the lands upon which the seats of justice of the counties of Bibb, Henry, and Pike, have been located, may be extended to said State, as also that the right of pre-emption may be granted in the purchase of certain lands, the proceeds of the sale of which to be applied to the erection of county buildings in certain other counties in said State, where the lands most eligible for county seats have been sold to individuals.

Mr. Call presented a memorial of the inhabitants of the village of Fernandina, in East Florida, praying that certain public lots in said village may be granted to the inhabitants thereof.

The said petitions and memorials were referred to the Committee on the Public Lands.

The Speaker laid before the House a report of the Secretary of the Treasury, accompanied by a communication from the Director of the Mint, giving the result of the assays of certain foreign coins, during the last year, made in pursuance of law; which report was read, and referred to the Committee of Ways and Means.

Mr. Floyd, from the committee appointed on the subject, reported, in part, a bill to authorize the occupation of the Columbia or Oregon river; which was read twice, and committed to the Committee of the whole House on the state of the Union.

An engrossed bill, entitled "An act concerning invalid pensioners," was read the third time, and passed.

Mr. Tod submitted to the House a comparative statement of the tariff duties as at present imposed on certain articles of foreign merchandise, upon their importation into the United States, and as proposed to be imposed on the same articles by the bill now before this House to amend the several acts imposing duties on imports; which statement was committed to the Committee of the whole House on the state of the Union.

THE GREEK CAUSE.

The House then went into Committee of the Whole, Mr. Taylor in the Chair, on the resolution some time since offered by Mr. Webster, which is in the words following:

"*Resolved*, That provision ought to be made by law for defraying the expense incident to the appointment of an Agent or Commissioner to Greece, whenever the President shall deem it expedient to make such appointment."

The resolution having been read—

Mr. **WEBSTER** rose and said, that he was afraid that, so far as his part was concerned, the excited expectations of the public mind, on the present occasion, would be disappointed. It was difficult on any occasion that called the attention to a spot on the globe connected with such associations and recollections as Greece, to avoid some degree of warmth and enthusiasm. Yet, he was entirely sensible that, in gravely legislating on the present subject, those feelings must be chastised. He should endeavor, in what he had to offer to the House, to repress such feelings as far as it was practicable; yet, if we would wholly escape from them, we must fly beyond the limits of the civilized world; we must go beyond the limits of social order, the bounds where laws and knowledge are found; nay, we must leave this Hall, before we can turn away from the memorials of ancient Greece. What, he asked, is this popular assembly? what this free discussion of public measures? what this open, unreserved action of mind upon mind? what that popular eloquence which, if it were now present, would, on such a theme, shake this Hall to its centre? what are these but such memorials? This magnificent edifice, these columns, with their stately proportions, this fine architecture by which we are surrounded, what are these but so many witnesses of what Greece once was, and what she has taught us to be? Yet, sir, said Mr. W., I have not introduced the resolution, now on your table, with any view towards repaying aught of the debt, which we, in common with the civilized world, owe to that land of science, freedom, arts, and arms. It is a debt that never can be paid. Whatever may be our feelings of gratitude for these gifts, we are constrained to act with a view alone to the present state of the world, and of our relations to it. What I propose, and what I shall say, has reference to modern, not to ancient Greece—to the living, not to the dead.

I am aware, sir, that it is a very easy thing to run over common places on the subject of this resolution; to call it a visionary and Quixotic measure, and to urge the good old maxim of its being the soundest policy for each one to take care of his own concerns. That maxim, sir, is very true, but very inapplicable to the present occasion. The question which is now to be discussed is the American question in relation to this affair—What is it best for us to do in the present aspect of things respecting Greece? And surely, sir, this is a question that comprehends something more than a mere pecuniary calculation. Whenever my mind turns to that question, I cannot forget the age I live in, as well as the peculiar position of our own country.

At the commencement of the present session of Congress, Mr. W. said, the President of the United States, in the discharge of the high duties of his station, deemed it incumbent upon him to introduce the subject to the consideration of the National Legislature; and, in his communication, he had expressed an opinion that there was reason to hope that the Greeks would be successful in the present struggle with their oppressors, and that the power that has so long crushed them had lost its dominion over them forever. The same communication contained other matters of great importance, in relation to a rumored combination of foreign Sovereigns to interfere in the concerns of South America. Under these circumstances, said Mr. W., I thought it was proper and becoming that that communication should receive a response from this House. I am aware that the practice of a general answer from the Legislature to the annual Message or Speech of the President, has, for more than twenty years past, been disused; nor do I complain of such disuse; but I am also of opinion that the practice was not without its positive advantages. It is my conviction, that, in any Government, which contains a popular branch, it is the duty of that popular portion of the Government as much to express its opinions, as to pass the necessary laws. I introduce the present resolution, under this conviction, as well as that I might have an opportunity to give my vote, directly, on one of the subjects adverted to by the Executive; and I still think that if it was proper in the President to advert to these subjects, it is equally proper in us to take notice of what he has addressed to us respecting them.

Mr. W. said, he should endeavor, however, to avoid the responsibility of any effort to change the policy of this Government towards foreign nations. He approved of the policy at present pursued; he was satisfied, in this respect, with our present condition. The policy of this Government is peace, for peace is to us the greatest source of national increase and aggrandizement. The most sanguine projector cannot furnish more brilliant or exalted prospects than those which must be realized by these States if they can preserve their pacific relations towards the rest of the world. Time, peace, industry, and the arts, are raising this Government by a certain and irresistible progress. It is our true policy, Mr. W. said, to grow, not to acquire; we are to attain to greatness by internal development, not by external accretion—and he should be the last to turn aside the wise policy of the country from its wonted and proper channel. But, said he, that policy, while it is pacific, should at the same time be liberal; he spoke now in relation to those great questions which are at this hour agitating Europe and the world—questions which are concerned wherever a nation attempts to obtain its freedom—the question, in a word, between regulated and unregulated power. Wherever it is disputed, whether a nation shall or shall not possess a constitution, our side of that question ought to be known and declared; we are bound to bring, in aid of its decision, that moral force which must ever reside in the opinion of a free and an intelligent nation. He had said that the policy of this Government was a pacific but a liberal policy; he should endeavor to show that in both of these characters it sanctioned the adoption of the resolution now on the table.

The age, said he, is a peculiar one—it has a marked and striking character, and the position and circumstances of our country are no less so. Had we enjoyed the option, in which period of the world's history, as thus far disclosed, our personal lot should be cast, none of us, surely, would wish to have been born in any other time, or in any other country. There has occurred no age that may be compared with the present, whether in the interest excited by what now is, or the prospects it holds out as to what shall be. The attitude of the United States, meanwhile, is solemn and impressive. Ours is now the great Republic of the earth; its free institutions are matured by the experiment of half a century; nay, as a free Government, it goes farther back—the benefits of a free Constitution have virtually been enjoyed here for two centuries. As a free Government, as the freest Government, its growth and strength compel it, willing or unwilling, to stand forth to the contemplation of the world, We cannot obscure ourselves, if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world. Now, it will not be denied, that, within the last ten years, there has been agitated, in that world, a question of vast moment—a question pregnant with consequences favorable or unfavorable to the prevalence, nay, to the very existence, of civil liberty. It is a question which comes home to us. It calls on us for the expression of our opinion on the great question now before us. Assuredly, if there is any general tendency in the minds and affairs of men, which may be said to characterize the present age, it is the tendency to limited Governments. The enlightened part of mankind have very distinctly evinced a desire to take a share, at least, in the government of themselves. The men of this age will not be satisfied even with kind masters. They have shown, (except where force has been interposed to crush them,) that they will not be contented without a participation in the Government. This is so strongly marked a feature in the social condition of this age, that it can have escaped the observation of none to whom I address myself. It cannot be denied that while this is the prevailing spirit, there is an antagonist principle also at work. This, sir, said Mr. W., is a state of things in which we, as a nation, have, we must have, an interest. The doctrines advanced (and which are promptly supported by a great force) go to prostrate the liberties of the entire civilized world, whether existing under an absolute, a monarchical, or a republican form of government. They are doctrines which have been conceived with great sagacity, they are pursued with unbroken perseverance, and they bring to their support a million and a half of bayonets.

And, here, said Mr. W., let me not be misunderstood, I am not about to declaim against crowned heads, nor enter on a tirade against other forms of government, but I ask that the declarations of the Congress of European Sovereigns, which is promulgated as that which is to form a part of the public law of civilized Europe, may be subjected to a close examination.

The entire overthrow of the late French Emperor, left the European world in a state of very strong excitement. In September, 1815, the Sovereigns, who had, by their united exertions, succeeded in putting down the French power, entered into, and published to the world, an instrument of agreement, which has since been familiarly known by the title of the "Holy Alliance." This paper, which appeared immediately on the restoration of the Bourbons, had its origin with the Cabinet of Russia. Its appearance excited, at first, but little comparative interest. It was regarded as little more than a devout expression of gratitude for the success which had attended their united exertions in bringing the long war of Europe to a conclusion. It professed to be nothing more than a declaration, that the sovereigns, who joined in it, would, in future, conduct their respective Governments on principles of the public good, and with a sacred regard to the Christian religion. Such a combination was certainly novel. Nothing like it had ever before been published by kings. Yet, under the view of it which he had just expressed, it attracted no very great share of attention. On the face of it, there seemed nothing to object to. All that was strange about the transaction was, that monarchs, who professed Christianity and civilization, should stipulate to do what, without any such stipulation, it was their acknowledged duty to do; the contract bound them to nothing to which they were not morally bound already. What was the amount of the contract? That they would not violate Christianity, nor disturb the peace of Europe. At best, such a contract was supererogatory. It was remarkable, that a celebrated writer on treaties, when defining what a treaty is, supposed, as possible, such a case as has occurred, and certainly spoke very disrespectfully of such a treaty as the Holy Alliance actually was. His words Mr. W. quoted as follows:

> "It seems useless to frame any pacts or leagues barely for the defence and support of universal peace, for, by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing, which the parties were not previously bound to perform, nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization, might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey his will, depended upon our own pleasure.
>
> "If one engage to serve another, he doth not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace."—*Puffendorff.*

Such were the sentiments of this eminent writer. How nearly he had anticipated the case of the Holy Alliance, Mr. W. said, would appear from comparing with what he then wrote, the preamble to that alliance, which Mr. W. read, in the following words:

> "In the name of the most Holy and Indivisible Trinity, their Majesties, the Emperor of Austria, the King of Prussia, and the Emperor of Russia,—solemnly declare, that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, Mr. W. went on to say, was no otherwise important than that it was the first of a series, and that it was followed up by measures of the most important kind. In this point of view, it was worthy of the most mature consideration. It contained two principles, which were now declared to form a part of the law of the world, the enforcement of which was threatened by a million and a half of bayonets. The first of these is, that all constitutional rights come from the Crown. "All useful and necessary changes (says the Laybach Circular, of May, 1821) ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible 'for power." This principle, Mr. W. said, carried Europe back at one remove, to the middle of the dark ages. This was the form under which our sturdy ancestors obtained Magna Charta, which was given as a concession from the Sovereign. But, in a later age, in the revolution which introduced the family of Orange, the British nation had grown wiser—those things which at Runnymede were given as grants by the Bill of Rights, were afterwards formally and explicitly demanded and insisted on, as rights of the nation. They had been assented to as such, and on this basis the English Constitution rests at this hour. For this reason it was, that Britain, when she refused to unite in the principles of the Holy Alliance, declared those principles to be subversive of the principles of the English Constitution.

What, said Mr. W., is the nature of that alliance? Alliances between nations for the purpose of mutual advantage or defence, had been often heard of, but an alliance such as that at Laybach had never dared to be declared to the world. Was this an alliance of nation with nation? No, Mr. W. said, it was an alliance of crowns against the people; of sovereigns against their own subjects; it was, in a word, the union of the physical force of all Governments against the rights of the people in all countries. What was the natural tendency of such an alliance? It was to put an end to all nations, as such. Extend the principles of that alliance, and the nations are no more—there are only Kings. It divided society horizontally, (if such a figure was allowed to him,) and left all the sovereigns above, and all the people below; it set up the one above all rule or restraint, and put down the other to be trampled beneath their feet. Not satisfied with demanding from the subject allegiance to his own master, it exacted a double, a triple, a quadruple, and he believed, indeed, a quintuple allegiance. According to its principle, all people owe allegiance to all sovereigns. What must be, what has been, the practical operation of such principles? They lead, necessarily, to mutual distrust, to general discontent, and to universal war. This alliance, Mr. W. said, had changed the leading policy of Europe. It had made it criminal for the people to combine, or to resist the will of either of these sovereigns. If, for example, a Spaniard attempted to resist the Inquisition, he offended not only the King of Spain, but he sinned also against the Emperor of Russia. Or, if a Greek attempted to resist the Turkish scimetar, he, too, offended the Emperor of Russia. To use the words of the Verona circular, such a man "throws a firebrand into the midst of the Ottoman Empire."

At the Congress of Troppau, said Mr. W., we find the second of the doctrines to which I before alluded, as now published to the world, to be its law. The Declaration of Troppau says, "The 'Powers have an undoubted right to take a hostile 'attitude in regard to those States in which an 'overthrow of the Government may operate as an 'example." This right, between States whose juxtaposition renders them mutually exposed to the consequences of what takes place in either, is a part of what is called the law of vicinage; and, when confined to extreme cases, may, to a certain extent, be defended upon principles of necessity, and national defence and preservation. On this principle, the war of England against France, when the latter was in a state of revolution, was undertaken, and this is the ground on which it was defended on the floor of Parliament. But to maintain that every sovereign in Europe may go to war to repress an example, Mr. W. said was monstrous indeed! What was to be the limit to such a principle, or to the practice growing out of it? If this principle is allowed, what, said Mr. W., becomes of our example? Why are we not as legitimate objects for the operation of the principle as any who attempt to set a republican example on the other side of the Atlantic? We certainly did not subscribe to this principle in the days of the Revolution. We did think that when oppressed we might lawfully resist oppression; and I trust we are not so sick of our liberty and its effects as to be unwilling, by our example, and by the most public expression of our opinion, to recommend to others the same doctrine.

Here, then, continued Mr. W., is a combination which is expressly pledged against all who set such an example—a manifesto which sets itself against the whole course of the human intellect—against the character of the age, and which would bring us back at once to all the oppression of the feudal system. Here is doctrine which no writer, no diplomatist, which even no courtier ever thought of advancing. Sir, said Mr. W., it is a flagrant innovation on the principles and practice of the whole civilized world. I hope, said he, I shall not be considered as exaggerating the case. To convince this House that I state nothing but the sober truth—that I draw no inference that the sovereigns themselves have not drawn before me—permit me to refer to an occurrence that took place at the Congress of Verona. In a speech made at that Congress by the French Minister, Chateaubriand, he declared that, in a personal conversation with the Emperor of Russia, he had heard that august sovereign utter sentiments, which appeared to him so precious that he immediately hastened home, and wrote them down, while they were yet fresh in his recollection. The Emperor declared—

"That there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles on which I founded the alliance. An occasion offered itself—the rising in Greece. Nothing, certainly, occurred more for my interests, for the interests of my people—nothing more acceptable to my country, than a religious war with Turkey; but I have thought I perceived in the troubles of the Morea the sign of revolution, and I have held back. Providence has not put under my command 800,000 soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings should have public alliances to defend themselves against secret enemies."

This may be so; but, I trust in God, though there should be no French, or Russian, or Prussian, or Austrian, or English policy, (though this latter I never will believe,) there will at least be an American policy. The end and scope of this doctrine is neither more nor less than this: to interfere, by force, for any Government against any people who resist it. The times of the Stuarts have come back again, and with increased demands of power. Be the state of a people what it may, they shall not rise—be the Government what it will, it shall in no case be resisted. And this has been carried out, too. Look at Spain—look at Greece. If a man may not resist, either the Spanish Inquisition or the Turkish scimetar, what, in God's name, may he resist? Stronger cases can never arise. This alliance laughs at the doctrine of your Blackstones, and all others who maintain that, in extreme cases, resort is to be had to first principles and natural rights. Are we prepared to part with that doctrine? The doctrine is advanced—it is supported with an immense force. The timid shrink and succumb. If it is not resisted here, and in one other spot, it will be resisted nowhere. If there is no vigor in the Saxon race to withstand it, there is none to be looked for elsewhere. Is it not time to step forth, and at least declare that we condemn and deny such monstrous opinions? How can reformation of Government ever begin but with the people? The radical defect of this system is, that it divides civilization—it would allow it to go on in all other matters, but not in principles of Government and civil liberty. But human knowledge is all connected—that knowledge is fast spreading—the great mass of society which holds, and ever must hold, the physical, is fast obtaining the intellectual power of society. The harmony which has ever prevailed, either in Europe or America, has rested on the principle of the mutual independence of nations. There have, indeed, been some instances of the violation of this principle, as in the case of Poland; but on the great scale nations have hitherto been viewed as independent sovereignties—civilization and christianity have united to establish among them international law, and from this blended influence has sprung that delightful spectacle, so truly described by a poet, the unseen, but not unfelt influence of law:

"And sovereign *Law*, the world's collected will,
  O'er thrones and globes elate,
Sits Empress—crowning good, repressing ill:
  Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
  And e'en the all-dazzling Crown
Hides his faint rays, and at her bidding shrinks."

Take this away, and there is nothing left but the sword. The law of nations declares that all States are equal—these papers deny it. The law of nations maintains that, in extreme cases, resistance is lawful—these papers deny it. The law of nations proclaims that one nation has no right to interfere in the affairs of another—these papers deny it.

But now, it may be asked, what is all that to us? The question is easily answered. We are one of the nations. Our system of Government is, throughout, utterly hostile to that system, and if we are safe from its effects we may thank our situation or our courage. The age we live in, and our own active character, have connected us with all the nations of the world, and we, as a nation, have precisely the same interest in international law as a private individual has in the laws of his country.

But, apart from the soundness of the policy, on general principles there is a ground of duty in this matter. What do we not, as a people, owe to the principle of lawful resistance? to the principle that society shall govern itself? These principles have raised us to a state of prosperity, in which our course is rapid and irresistible. We are borne on as by a mighty current, and if we would stop long enough to take an observation, that we may measure our national course, before we can effect it, we find we have already moved a vast distance from the point at which it was commenced. This course we cannot check; it is the course of things, and it will go on. Shall we not, thus situated, give to others who are struggling for these very principles, the cheering aid of our example and opinion?

But, whatever we do in this matter, it behooves us to do on principle. If, on the subject of the rumored combination against South America, we take any stand, it must be on principle that that stand is taken. The near approach, or the remote distance of danger, may change policy, but cannot touch principle; and the same reasons of an abstract kind, that would lead us to protest in the case of the whole Southern Continent, bind us to protest in the case of the smallest Republic in Italy.

A second question, however, may here be asked. What can we do? This thunder is at a distance —the wide Atlantic rolls between—we are safe: would you have us go to war? Would you have us send armies into Europe? No: I would not. But this reasoning mistakes the age. Formerly, indeed, there was no making an impression on a nation but by bayonets, and subsidies, by fleets and armies: but the age has undergone a change: there is a force in public opinion which, in the long run, will outweigh all the physical force that can be brought to oppose it. Until public opinion is subdued, the greatest enemy of tyranny is not yet dead. What is the soul, the informing spirit of our institutions, of our entire system of government? Public opinion. While this acts with intensity, and moves in the right direction, the country must ever be safe—let us direct the force, the vast moral force of this engine, to the aid of others. Public opinion is the great enemy of the Holy Alliance. It may be said that public opinion did not succeed in Spain. Public opinion was never thoroughly changed there; but does any man suppose that Spain is not at this day nearer, not merely in point of time, but intellectually and politically, nearer to freedom than she was last Spring? True, indeed, the Bourbon power did make an almost unresisted march from the Pyrenees to Cadiz, but is Europe satisfied? Public opinion is neither conciliated nor destroyed —like Milton's angels, it is vital in every part— and this followed back the Conqueror as he returned, and held Europe in indignant silence. Let us, then, speak: let us speak well of what has done well for us. We shall have the thinking world all with us—and, be it remembered, it was a thinking community that achieved our Revolution before a battle had been fought.

I shall not detain this Committee by laying before it any statistical, geographical, or commercial account of Greece. The document on your table, which has been furnished from the Department of State, in some measure supplies these: and her history is familiar to us all. Within the last thirty or forty years, the condition of that country has undergone a great improvement. Her marine produces the best sailors in the Mediterranean—better, in that sea, than even our own. Their commerce, before the present commotions, had begun to extend itself to France and Spain— Hobhouse (our best authority) states their seamen at fifty thousand; but that number is certainly much too large—they have one hundred and fifty-three thousand tons of shipping, which is equal to about one-fifth of that of the United States. Their population in European Turkey is about five millions, and in Asia Minor about two millions more. Their moral state is rapidly advancing in all respects—the literati of Europe conceived a strong interest in their behalf, and sent books and scholars and printing presses into Greece—many of the works of modern Europe have been translated into their language, and they have produced many works entirely original. This people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. This House is unable to estimate duly, it is unable even to conceive or comprehend it. It must be remembered that the character of the force which has so long domineered over them is purely military. It has been as truly, as beautifully, said, that "the Turk has now been encamped in Europe for four centuries." Yes, sir—it is nothing else than an encampment. They came in by the sword, and they govern by the sword. They hold the captive Greeks to be their property—and when a wretched Greek has yielded up his year's earnings to some rapacious exactor, it has truly been said that he "pays his ransom to live another year." Despotic power is there, if the phrase may be allowed, formed into a regular system of anarchy. The power delegated to the inferior tyrant is as absolute within its sphere, as the power of the Sultan himself—and hence, there is scarcely a great post under the whole government whose incumbent is not virtually, often actually, at war with the Porte. Between these two opposite Powers, both despotic, it is dangerous to take sides, and yet sides must be taken: in all the empire there is no property, no security. The well known and undisguised sale of all offices, is, of itself, a sufficient index of the state of society. In the whole world no such oppression is felt as that which has crushed down the wretched Greeks. In India, to be sure, it is bad enough in principle, but in the actual feeling of the oppression, it is not to be compared. There the oppressed natives are themselves as barbarous as their oppressors, but here have been seven millions of civilized, enlightened, Christian men, trampled into the very earth, century after century, by a barbarous, pillaging, relentless soldiery.

Sir, the case is unique; there has existed nothing like it, before or since. The world has no such misery to show. Surely, there is no case in which we could point to the civilized and Christian world with such an emphasis of appeal. What, during all this time, has been the conduct of the neighboring nations—nations professedly Christian? It has been a disgrace to Europe. As early as the Congress at Laybach, in 1821, the papers of that council spoke of the rising of this oppressed people as culpable, as criminal. And this charge comes from the Emperor of Russia. Certainly he did not always think it quite so criminal in Greece to resist the Porte. On the contrary, is it not known to all the world that Russia advanced a claim of some kind against the Porte to the allegiance of Greece? Did not Ivan III. discard the banner of St. George, and take the double-headed eagle in its stead? Did not Peter the Great secure for them the passage of the Dardanelles? Did he not adopt the far-famed banner of Constantine—"*in hoc signo vinces?*" Did he not stamp upon his coin "PETRUS

I. Russo-Græcor. Imperator?" From 1769 to 1774, did not Russia engage in successive campaigns against the Porte, and did she not fill Greece with her armies? Were not the Turks compelled to admit, by treaty, the independence of the Czar of the Crimea? And did not the Empress Catharine, when she conquered the Crimea, inscribe over the gate of Cherson, "the road to Byzantium?" Strange, indeed, after all this, that a Greek insurrection against the Turks should excite the indignation of the Emperor of Russia! Yet, what says the Congress of Verona, held no longer ago than last year? It denounces "the rash and culpable conduct of the Greeks, who have thrown a firebrand into the midst of the Ottoman empire." If they did, that was done long before they did it, and they were by this very Power encouraged to do it. Might it not have been expected that at that Congress some relenting of compassion would have been felt for these suffering Greeks? Nobody doubts the power of that Congress to aid them—one word would have delivered the whole nation. If, as that alliance professed, they took Christianity for their guide, what must be said of their abandoning seven millions of Christian people to be trampled upon by barbarians? Nay, at their being accused, because they turned upon their oppressors, of "throwing a firebrand into the midst of the Ottoman empire?" But farther, sir: In 1821, Baron Strogonoff, the Russian Minister at Constantinople, says, in a public document, that the most unheard-of enormities were perpetrated against Greeks who had no share whatever in the rebellion; and that the conduct of the Porte toward these people was sufficient to furnish good grounds for all Europe to unite on the subject. This was in 1821. This was followed by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio—a scene I will not attempt to describe—from which human nature shrinks shuddering away—a scene, thank God, without a parallel in all the history of fallen man; and that was quickly followed by the massacres in Cyprus. All these things were perfectly known when the Congress of Verona accused the Greeks, for their insurrection, of "throwing a firebrand into the midst of the Ottoman empire!"

Now, then, I repeat, that if such are the results of the system of modern European Sovereigns, it is a system which demands examination. That this was a fruit of that system is undeniable. This was an interference against the Greeks, in favor of the Turks; and it was far greater than any thing I propose for the Greeks against the Turks. Yes, sir, with that instrument in their hand, Christian Sovereigns, there professing to take the Christian religion for their guide, have advanced to check a Christian nation in resisting the bloodiest cruelty of a horde of Mahometan Tartars.

Such has been the conduct pursued towards this people. I now ask the indulgence of the House, while I state a very short account of their late revolution.

The situation of Greece had excited the sympathies of Western Europe for thirty years past. Societies had been formed in Germany to improve the condition of the suffering people—branches of those societies were extended into Greece—many of their youth were carefully instructed in literature—many disbanded officers from the European armies entered into the Grecian service, and a considerable amelioration of their condition with respect to the advantages of education began to be effected. In 1821, the revolt took place in Moldavia and Wallachia, a revolt which was supposed to have been fomented by Russia. The Emperor brought down a large force upon the Pruth—a Russian vessel, being suspected of carrying supplies to the insurgents, was stopped as she passed the Bosphorus—and a rupture seemed immediately impending. Russia demanded that the Turkish forces should be withdrawn from those two northern provinces. At the same time that Ypsilanti was in rebellion in the North, the Porte had to carry on a desperate struggle with Ali Pacha in the West. And another war with Persia threatened in the East. Then it was that the Greek revolution burst forth. They soon possessed themselves of the open country of the Morea, and forced the Turks to fly for refuge into the cities. Of these, Tripolitza soon fell into their hands; and then they began to contemplate a government. They assembled a Congress, (the name is hallowed on this side of the Atlantic—it is a name dear to freedom,) and began to organize a system of laws. The Annual Register asks what right they had to denominate this a Congress? The answer is easy; the same right, Mr. Chairman, that we had, and no more. With our Constitution before them, they proceeded to copy its features as closely as their circumstances would permit. In that year, the war with Ali Pacha was ended by treachery, and the breach of the Turkish promise. The affair was settled, too, with Russia, and it now was discovered that all that she had insisted on was, that the Turkish forces should be withdrawn from Moldavia and Wallachia; the very measure which, of all others, had the most immediate tendency to overwhelm the Greek cause. Thus was the whole force of the Ottoman Empire let loose at once upon devoted Greece; and what, sir, was the result? Where the Ottoman made his greatest effort, he was met and foiled, and in six weeks, had to turn back his steps from the Morea, whither his foot has never since trodden to this day. It was in this year that the island of Scio, the most favored island in the Archipelago, an island the peculiar property of the Sultana, the lightest taxed, the most wealthy, the most refined, the most literary spot in all Greece; where were libraries, such as few States in this Union possess, and where ease and elegance had their favorite seat, became the theatre of a massacre such as is not to be paralleled in the history of the world. The inhabitants of Samos, jealous at the comparative prosperity of this island, landed, drove the Turks into the town, and were joined by some of the country people of Scio. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighborhood—they landed, and burnt the city, and when the slaughter and burning was over, out of 140,000 inhabitants, nine hundred only were left alive. 40,000 women and children, inhabitants of the island, were sold at Smyrna into perpetual slavery. A month after—when the ashes of the burnt city were cold—did they hang thirty-five Greeks at the yard-arm, and slay eighty-five more who had been given as hostages from the town. Ten more hostages were hanged in Constantinople—700, who voluntarily surrendered, were all shot down; 800 others, about whom they got into dispute, were murdered in the same manner. And, sir, on the wharves of Boston did I see the utensils from the hearths of that polished, refined, and literary people, selling for old copper. Numbers of children, all whose relatives had been slaughtered, were picked up by the merchants in the Mediterranean, and some of them are now among us. Sir, these things were as well known at the Congress of Laybach as they are on this floor—but the tale did not move a muscle of those Allied Sovereigns, or alter, one hair's breadth, the course of their unfeeling policy. During the present year, the Persian war being over, Ali dead, and the Russians gone, the whole weight of the Turkish force has again and again been precipitated on the struggling Greeks—again and again it has been triumphantly resisted—and it is only this morning, sir, that I received the news of a fresh victory.

They now hold all the Morea, Candia, and the islands, with the exception of one or two fortresses still in the possession of the Turks—they have even ventured to act on the offensive. Their marine is strengthened—their blockades have been enforced—time, experience, and the vicissitudes of their momentous struggle, have consolidated their force, and they have now the advantage and blessing of a regular representative government. Sir, have they not done much? It would be great injustice to compare their achievements with our own—because we began our struggle already possessed of government and of comparative civil freedom—we had for centuries been accustomed to govern ourselves;—but these poor Greeks had scarce any of the means of knowledge—they were without public concert—without experience, without patronage, surrounded by nations that cast every discouragement in their way; yet they have now had a free government for two years, and their soil is unprofaned by the foot of an invader. They have carried on the struggle for three successive campaigns, against hordes of Tarter troops and auxiliary forces from the Barbary States—they have been conjured, by their neighbors, to submit; but they still manfully hold out. Two hundred thousand have heroically laid down their lives—and what say the rest? "Some of our nation are yet alive, and we will all perish, before we will yield up again our country to the oppressor."

It may now be asked, will this resolution do them any good? Yes, it will do them much good. It will give them courage and spirit, which is better than money. It will assure them of the public sympathy, and will inspire them with fresh constancy. It will teach them that they are not forgotten by the civilized world, and to hope one day to occupy, in that world, an honorable station.

A farther question remains. Is this measure pacific? It has no other character. It simply proposes to make a pecuniary provision for a mission, when the President shall deem such mission expedient. It is a mere reciprocation to the sentiments of his Message; it imposes upon him no new duty; it gives him no new power; it does not hasten or urge him forward; it simply provides, in an open and avowed manner, the means of doing what would else be done out of the contingent fund. It leaves him at the most perfect liberty, and it reposes the whole matter in his sole discretion. He might do it without this resolution, as he did in the case of South America, but it merely answers the query whether on so great and interesting a question as the condition of the Greeks, this House holds no opinion which is worth expressing? But, suppose a commissioner is sent, the measure is pacific still. Where is the breach of neutrality? where a just cause of offence? And besides, Mr. Chairman, is all the danger in this matter on one side? may we not inquire, whose fleets cover the Archipelago? may we not ask what would be the result to our trade should Smyrna be blockaded? A commissioner could at least procure for us what we do not now possess—that is, authentic information of the true state of things. The document on your table exhibits a meagre appearance on this point—what does it contain? Letters of Mr. Luriottis and paragraphs from a French paper. My personal opinion is, that an agent ought immediately to be sent; but the resolution I have offered by no means goes so far.

Do gentlemen fear the result of this resolution in embroiling us with the Porte? Why, sir, how much is it ahead of the whole nation, or rather let me ask how much is the nation ahead of it? Is not this whole people already in a state of open and avowed excitement on this subject? Does not the land ring from side to side with one common sentiment of sympathy for Greece, and indignation towards her oppressors? Nay more sir, are we not giving money to this cause? More still, sir, is not the Secretary of State in open correspondence with the President of the Greek Committee in London? The nation has gone as far as it can go, short of an official act of hostility. This resolution adds nothing beyond what is already done; nor can any of the European Governments take offence at such a measure. But, if they would, shall we be withheld from an honest expression of liberal feelings in the cause of freedom for fear of giving umbrage to some member of the Holy Alliance? We are not, surely, yet prepared to purchase their smiles by a sacrifice of every manly principle. Dare any Christian Prince even ask us not to sympathize with a Christian nation struggling against Tartar tyranny? We do not interfere—we break no engagements—we violate no treaties—with the Porte we have none.

Mr. Chairman, there are some things which, to be well done, must be promptly done. If we even determine to do the thing that is now proposed, we may do it too late. Sir, I am not one of those who are for withholding aid when it is most urgently needed, and when the stress is past, and the aid no longer necessary, overwhelming the sufferer with caresses. I will not stand by and see my fellow man drowning without stretching out a hand to help him, till he has by his own efforts and presence of mind reached the shore in safety, and then encumber him with aid. With suffering Greece, now is the crisis of her fate—her great, it may be, her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks, contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, by their slaughtered wives and children, by their own blood, poured out like water, by the hecatombs of dead they have heaped up as it were to heaven, they invoke, they implore of us some cheering sound, some look of sympathy, some token of compassionate regard. They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed: that rests with Heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimetar, that the flames of their last city had sunk in its ashes, and that naught remained but the wide melancholy waste where Greece once was, I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice.

When Mr. Webster had concluded—

The Committee rose, and reported progress, and, having had leave to sit again, the House adjourned.

Tuesday, January 20.

Mr. Cocke, from the Committee on Indian Affairs, to whom the subject had been referred, reported a bill providing for the appointment of two Indian agents, in addition to those already provided for by law, and fixing their compensations; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to whom the subject was referred, on the 15th instant, reported a bill to revive and continue in force the first, second, third, fourth, and fifth sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815; which bill was read twice, and committed to a Committee of the Whole.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of Arthur H. Henley, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Webster, from the Committee on the Judiciary, reported a bill for the relief of the legal representatives of John Michael, deceased; which bill was read twice, and committed to a Committee of the Whole.

Mr. Campbell, from the Committee on Private Land Claims, to which was recommitted the bill for the relief of John Jenkins, made a report recommending that the said bill be postponed indefinitely; which report was ordered to lie on the table.

Mr. Rankin, from the Committee on the Public Lands, reported a bill for the relief of the representatives of John Donnelson, Stephen Heard, and others; which bill was read twice, and committed to a Committee of the whole House to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the rivers Wabash and the Miami of Lake Erie.

Mr. Crowninshield, from the Committee on Naval Affairs, who were instructed, on the 15th of December ultimo, to inquire into the expediency of authorizing the construction of ten additional sloops of war, made a report thereon, accompanied by a bill authorizing the building of that number of sloops of war; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. Crowninshield, from the same committee, to which was referred the amendment proposed by the Senate to the bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" reported the agreement of that committee to the said amendment. The amendment was then concurred in by the House.

Mr. Whipple, from the Committee on the Public Lands, reported a bill providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes; which bill was read twice, and committed to a Committee of the Whole.

Ordered, That leave be given to withdraw the petitions of Daniel W. Coxe, for a confirmation of the claim of Marquis de Maison Rouge to an extensive tract of land in the State of Louisiana, with the documents accompanying the same.

The resolution submitted by Mr. Tomlinson, on the 16th, respecting navy hospitals, was taken up, and agreed to by the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," with an amendment. The Senate have also passed bills of the following titles, viz: "An act granting to the State of Alabama the right of pre-emption to certain quarter-sections of land;" and "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the 4th of May, 1822;" in which amendment, and two bills last mentioned, the Senate ask the concurrence of this House.

The two last mentioned bills were, respectively, read twice, and referred, the first to the Committee on the Public Lands; the second, to the Committee on Military Affairs.

The amendment proposed by the Senate to the bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824," was read, and concurred in by the House.

MARQUIS DE LAFAYETTE.

Mr. MITCHELL, from the committee to whom the subject was referred, reported an amendment to the resolution respecting the Marquis Lafayette, striking out the preamble and all that follows the word "resolved," and substituting the following:

"That the Marquis De Lafayette having expressed his intention to visit this country, the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished towards him by the Government and people of the United States.

And be it further resolved, That, as a mark of national respect, the President cause to be held in readiness a ship-of-the-line, and invite the Marquis to take passage therein, whenever his disposition to visit this country be signified."

Mr. LIVINGSTON, of Louisiana, rose to express the hope, he might, without impropriety, say the conviction, that the resolution would be adopted unanimously by the House. Not only were the merits of the illustrious man, to whom it had reference, universally known in these States, but they had been uniformly, repeatedly, and publicly acknowledged. The history of his connexions with the United States was personally known to some of the members in this House—it was known to all who had read the story of our Revolution. It was a connexion which did honor to both—to the country that received, and to the individual who rendered them. At a very early age, when pleasure presents itself in the most captivating and seductive form, possessed of a fortune, which enabled him to comply with her every solicitation, and of a rank which warranted his aspiring to the loftiest heights of ambition in his own country, he possessed, with all these, sufficient energy of character to shake off every inducement of pleasure, of wealth, and of ambition, and to join a country, in which, although there was much to gratify an honest ambition, there was nothing to be found of all that which young men of his rank and standing, in Europe, were wont most to desire. He came to our shores; he offered his services to our Government; they were accepted, and he immediately received an honorable rank and a conspicuous station. One of my earliest recollections is connected with the period of his arrival, and one of the most pleasing remembrances of my boyhood, is the being permitted, in company with one who is now a member of this House, to visit him at his headquarters, in occasional excursions from the place where we were receiving our education. I afterwards saw him, at the head of two thousand men, who had been clothed, armed and decorated at his own expense, conciliating, by his republican manners, by the steadiness of his discipline and the condescension of his behaviour, the devoted affection of the soldiery, reconciling, by the winning kindness of his address, the aged man to submit himself to the command of a youth—the hardy native of the soil to receive and submit to the command of a foreigner. At the same time, by his strict obedience to authority, he won the esteem of his superiors in command. But the most touching part of this lovely spectacle, was the deference, the veneration, the devoted attachment which ever marked his deportment towards the Father of our Country. But it was not merely in the pomp and parade of a military rank, however honorable, that Lafayette was worthy of our contemplation; he sought effective service, he sealed his attachment to our cause with his blood, at Brandywine, and in that great catastrophe which placed in our hands a British commander and all his army at Yorktown, he occupied a striking position in the busy and interesting scene. The judgment of Washington having given him command of the American forces in the storming of a redoubt, while the French, in another column, were ordered simultaneously to attack another, Lafayette obtained the palm, having carried his redoubt some minutes in advance of the French column. But his services to the cause of these States were not merely of a military character; he served us equally in a political as in a commercial point of view. He made frequent visits to France, and he used them for the purpose of strengthening our connexions with that country, and bringing its wealth by commercial operations in aid of our exhausted resources. He has a farther recommendation to our affection and respect, as the friend of temperate and regulated liberty in his own country. From the first moment of the French revolution he was the decided advocate of its general principle, and he was the advocate of that form of civil liberty, which he conceived best adapted to the circumstances and genius of France, a limited monarchy accompanied with a deliberative body. He once thought that he had attained this object, but the excesses which followed prostrated all his fond hopes, and he himself falling into the clutches of despotic power, was thrown into the dungeons of Olmutz. A better state of things afterwards succeeded, and he returned to his country, where he had the immortal honor of putting on record his vote (almost a solitary one) against the enormous grants of power to the late ruler of France. He is still the intrepid friend of her chartered rights. As such, he has claims on the respect of the friends of freedom in all countries. But, here, he has so many claims to that regard, that it would be an imputation on the American character to suppose, that the measure now proposed will not meet with the hearty concurrence of every member of this House.

If we resort to the views and feelings of the illustrious men who preceded us in this assembly, we find only one sentiment, evinced through a succession of different acts, in relation to this friend of the American cause. [Here Mr. L. read a succession of extracts from the Journals of Congress, expressing welcome, recording thanks, &c.] Here said Mr. L., ends the affectionate, the touching intercourse between America and this her voluntary son. But, when he left us, and we heard of his subsequent imprisonment, a further resolution was passed, requesting the President to take all proper and practicable steps for his relief. By the heroic efforts of an American gentleman, who was his companion, he obtained his freedom; and he then sent his son for refuge to this country. I had myself, said Mr. L., the honor on that occasion of introducing a resolution, which authorized the President to ascertain the fact, and if it were so, to do whatever might, in his judgment, be proper to render the situation of the young Lafayette agreeable, and evince the respect and gratitude we felt for the distinguished services of his father.

At present General Lafayette is the only surviving General officer of the Revolutionary war; he has expressed a desire once more to visit the country he so eminently contributed to render free and happy—once more to take into his arms the companions of his early toils and dangers, and to witness for himself our progress in improvement and the practical exhibition of the blessings of a free and enlightened Government. Surely, sir, it is fit, it is becoming, if such be his wish, that he should be wafted to our shores beneath that flag which he once planted on the breastworks of our enemy. Let not his coming be in secret—let us join to do him honor—let the mode of his conveyance to our shores correspond with that enthusiasm of the public sentiment which will greet him on his landing—if gratitude has not grown cold, if feeling is not dead among us, Lafayette will be hailed by plaudits from every part of this land, as hearty as they are richly merited.

Mr. Mitchell stated, that since he had first brought the subject before the House, letters had been received from the Marquis, extracts from which he wished might now be read; and he handed to the Clerk of the House two letters, one of them to Mr. Willet, of New York, expressive of the pleasure he should enjoy from a visit to the United States.

Mr. A. Stevenson, of Virginia, then rose and said, that he felt it his duty to communicate to the House some recent intelligence that he had received, as to the Marquis De Lafayette's wish to return to America. He had then in his possession a letter (of the 25th of November last) written by this pure and noble patriot, and addressed to a distinguished citizen of this country, in which the following sentiments were contained: "Every 'motive and feeling urge me to seek those friends 'of my youth with whom I may still enjoy the 'most pleasing recollections; to revisit the happy 'shores of an adopted country, which has so well 'fulfilled our early and most sanguine expectations, and where I find, in the third and fourth 'generations, testimonies of benevolence that fill 'my heart with the most affectionate and devoted 'gratitude. I more and more look forward to the 'day when, with a safe conscience, it shall be 'my happy lot to find myself on American 'ground."

Mr. Warfield said, the resolutions now under consideration, which were originally introduced by his friend and colleague, had his entire and most cordial approbation. It is not, said Mr. W., my purpose on this occasion to recount the signal services rendered to this country, when in her utmost need, by the great, the good, the illustrious Lafayette: they have been expatiated on by the gentleman from Louisiana, (Mr. Livingston;) they are in the distinct recollection of every member of this House; they are indelibly imprinted on every American heart; they are recorded; they adorn the faithful page of history, and will be read and admired by ages yet to come. My only object, said Mr. W., in rising, is to express the hope that those resolutions will receive the unanimous approbation of this body, composed of the immediate Representatives of the people of the United States of America.

The question being put on the adoption of the amendment, it passed unanimously in the affirmative: and the resolution as amended, was ordered to be engrossed for a third reading.

THE GREEK CAUSE.

On motion of Mr. Webster, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. Taylor in the chair.

Mr. Clay offered the following, which he desired to lay on the table for consideration:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent Governments, and which have been solemnly recognised by the United States."

The Committee of the Whole having resumed the consideration of the resolution recommending an appropriation to defray the expense of a mission to Greece.

Mr. Poinsett, of South Carolina, then rose, and addressed the House as follows:

To view this question calmly and dispassionately as a statesman ought to do, requires us to exercise the utmost control over our feelings.

It is impossible to contemplete the contest between the Greeks and the Turks, so eloquently described by the gentleman from Massachusetts, without feeling the strongest indignation at the barbarous atrocities committed by the infidel oppressor, and the deepest interest in the cause of a brave people struggling alone, against fearful odds, to shake off the yoke of despotism.

Our sympathies are always with the oppressed—our feelings are always engaged in the cause of liberty. In favor of Greece, they are still more strongly excited by recollections, which the scholar cherishes with delight, and which are associated in our minds with every pure and exalted sentiment.

The descendants of that illustrious people, to whom we owe our arts, our sciences, and, except our religion, every thing which gives a charm to life, must command our warmest interest: but the Greeks have other claims to our sympathies. They are not only heirs of the immortal fame of their ancestors—they are the rivals of their virtues. In their heroic struggle for freedom, they have exhibited a persevering courage, a spirit of enterprise, and a contempt of danger and of suffering worthy the best days of ancient Greece. The enthusiasm and liberality manifested in their cause, by our fellow-citizens throughout the Union, are, in the highest degree, honorable to their feelings. As men, we must applaud their generosity, and may imitate their example. But the duty of a statesman is a stern duty. As Representatives of the people, we have no right to indulge our sympathies, however noble, or to give way to our feelings, however generous. We are to regard only the policy of a measure submitted to our consideration. Our first, and most important duty, is to maintain peace, whenever that can be done consistently with the honor and safety of the nation; and we ought to be slow to adopt any measure which might involve us in a war, except where those great interests are concerned. The gentleman disclaims any such intention. He does not believe that we run the slightest risk, by adopting the resolution on your table. He considers it as a pacific measure, and relies entirely upon the discretion of the President, to accept or reject our recommendation, as the interests of the country may require. The object of passing such a resolution, can only be to give an impulse to the Executive, and to induce him, by an expression of the opinion of this House, to send a commission to Greece. I have as great a reliance upon the discretion of the Executive as the gentleman from Massachusetts. I believe that he would resist the suggestion of this House in favor of any measure, if he thought the public interest required him to do so. But, unless we wish and expect him to act upon our recommendation, we ought not to throw upon him, alone, the responsibility of resisting the strong public feeling, which has been excited on this subject. The question for us to consider appears to me to be, whether, if the power rested with us, we would exercise it to this extent. I think we could not do so, without incurring some risk of involving the country in a war foreign to its interests. Let us suppose that these commissioners were to fall into the hands of the Turks; an event by no means impossible, in the present state of Greece—what would be their fate? The Porte has not been remarkable for its strict observance of the laws of nations, in its intercourse with the Powers of Europe; and it is not probable, that such a Court would be very scrupulous in its conduct towards a nation whose flag it has never acknowledged. Or, let us imagine, what is much more probable, that on the rumor of our having taken any measure in favor of Greece, the barbarous and infuriated Janissaries at Smyrna were to assassinate our Consul and fellow-citizens residing there; might not a war grow out of such acts? The gentleman from Massachusetts said, yesterday, that we had already taken steps, which would offend the Ottoman Porte as much as the one he proposed. Money has been freely and publicly contributed in aid of the Greeks. What we have done in that respect is common to all Christian Europe. Large sums have been contributed for that purpose in England, in Germany, and even in Russia. He said, too, that the Executive, in the Secretary's letter, to the agent of the Greek Government, and subsequently in his Message to Congress, has used expressions calculated to irritate that Court as much as if we were to send a commission to Greece. These expressions of ardent wishes for the success of the Greeks are honorable to the Executive, and will be echoed back by the nation. They may be so by this House with safety, and that expression of our interest in their welfare and success would have all the cheering influence the gentleman anticipates from the measure he proposes.

It appears to me, that in the consideration of this question we have been misled by comparing this revolution with that of Spanish America. And I have heard it argued that, as we sent commissioners to Buenos Ayres without rousing the jealousy of any nation, and recognised the independence of those Governments without exciting the hostility of Spain, we may do the same in relation to Greece, without offending any nation in Europe.

Independently of the different attitude it becomes us to assume towards America, there is no similarity in the two cases. When we adopted the first measure, Buenos Ayres had been independent, *de facto*, for more than eight years, and Spain had not, during the whole of that period, made the slightest effort to recover possession of that country. When we recognised the independence of the American Governments south of us, they were all free, from the Sabine to the La Plata. The tide could not be rolled back; but, in whatever light Spain may have regarded our conduct on those occasions, the situation of the internal concerns of that country prevented any manifestation of its resentment. No, sir; it is to Europe that we must look for a case parallel to that of Greece. Let us suppose that the Italian States had made an attempt to shake off the iron yoke of Austria, would there be any doubt as to the course of policy this country ought to pursue in that case? Or, if Poland were again to make a desperate effort to recover its liberties, and to re-establish its political existence, that gallant nation would have a claim to our sympathies. Yet, I apprehend we should hesitate before we took any step which might offend the Emperor of Russia. Is there a country on earth in whose fate we feel a deeper interest than in that of Ireland? A braver or more generous nation does not exist. Her exiled patriots have taken refuge here, and are among our most useful and distinguished citizens. They are identified with us, and the land which gave them birth must always inspire us with the warmest interest. But, if the Irish were to make a general effort to separate themselves from England, we should pause before we adopted a measure which might be interpreted by Great Britain as an interference with her domestic policy. And yet the Turks are more regardless of the laws of nations, more violent in character, and more reckless of consequences, than any Power in Europe. It has been said that when we exercise an undoubted right, we ought not to regard consequences. This may be magnanimous language to hold, but would such conduct be prudent in this case? We may despise the power of Turkey, and Egypt, and Barbary, united, but can we be certain that, in the event of a war, we should have only to contend with them? The conduct of Great Britain and of the allies, in relation to the contest, which has been so fully dwelt upon, and so ably exposed by the gentleman from Massachusetts, ought to convince us that they would regard any interference on our part with great jealousy. They have repeatedly declared that they would discourage any change in the present state of possession of the great European Powers, among which Turkey holds a station which might strengthen one or lessen the security of another; and that they would discountenance any act calculated to call forth a new order of things, the issue of which it would be impossible to predict. The reasons for these declarations are obvious. Every Power in Europe balances between its terror of revolutionary principles, and its dread of the augmenting power of Russia. The independence of Greece alarms their fears in both these respects. The first revolutionary movement in that country was supported by, if it did not emanate from, an association in Germany. The succors afforded by the Philhellenic societies in Germany, Switzerland, and Italy, have contributed largely to the success of the patriots. The revolution of Greece broke out simultaneously with that of Piedmont; and the agents of the Greek Government have most imprudently boasted of the effect which the liberties of Greece would be likely to produce on the neighboring States. And there is no doubt that the establishment of free institutions in Greece would have a powerful influence on the minds of the enthusiastic Italians and Germans.

For these reasons, among others even more selfish, Austria has been hostile to this revolution from its commencement. France is opposed to any change in the present state of possession of the great European Powers, which might grow out of the dismemberment of Turkey. Such an event could not augment her strength, and might lessen her security. For obvious reasons, that Power, in common with all others on the continent of Europe, is averse to the establishment of any new Republic. Great Britain, throughout this contest, has evinced a desire to preserve the integrity of the Turkish empire. The Ionian islands, which are under her dominion, have not only been prohibited from taking a part in the war, and the inhabitants disarmed, but the ports of those islands have been made places of deposite for grain and other supplies for the Turkish fleets. The only act of Great Britain which can be regarded as at all favorable to the Greeks, is the acknowledgment of their blockades; an act of justice which could not be refused to the relative position of the two parties. The prevailing opinion appears to be, that, united by the bond of one common religion, Greece, as the ally, or as the dependant of Russia, would, by means of her formidable marine, render irresistible that already colossal Power. Great Britain appears to have regarded the dismemberment and partition of Turkey, as a necessary consequence of a rupture between that Power and Russia. To prevent this, all her influence has been exerted, and no reasonable doubt exists, that, if negotiation had failed to effect an accommodation between them, Great Britain would have appeared in arms as the ally of the Porte.

The course of policy pursued by Russia, on this occasion, has been so fully developed by the gentleman from Massachusetts, that it is unnecessary for me to dwell upon it. The sacred obligations of that Power to protect the Greeks, and even its long conceived projects of aggrandizement, appear to have yielded to the dread of encouraging revolution. In whatever light we may regard a policy which sacrifices to its selfish views the rights of humanity and justice, and the claims of a suffering Christian people, in matters relating exclusively to Europe, we ought not to interfere. We cannot do so without departing from those principles of sound policy which have hitherto guided our councils, and directed our conduct. Any interference on our part, in favor of a cause which not even remotely affects our interests, could only be regarded in the light of a crusade, and might injure the Greeks by alarming the fears of the Allied Powers. They already dread the moral influence of our republican institutions; let us not make it their interest, and give them a pretext, to attack us, by going forth to disturb the integrity of their possessions, or the security of their monarchical governments in Europe. The distinction drawn by the President in his last Message, marks the true and the only safe course of policy for this country to pursue. Mr. P. here quoted the Message:

"A strong hope has been entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes."

Mr. P. then referred also to the following letter of the Secretary of State, recently communicated to Congress:

"DEPARTMENT OF STATE,
Washington, Aug. 18, 1823.

SIR: I have the honor of enclosing, herewith, an answer to the letter from Mr. Luriottis, the agent of the Greeks, addressed to me, and a copy of which was transmitted with your despatch, No. 295.

If, on the receipt of this letter, Mr. Luriottis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian emancipation, the Executive Government of the United States has been governed, not by its inclinations, or a sentiment of indifference to the cause, but by its Constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks only by the application of some portion of their public force, or of their public revenue, in their favor, and it would constitute them in a state of war with the Ottoman Porte, and perhaps with all the Barbary Powers. To make this disposal, either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of the United States, with reference to foreign nations, has always been founded upon the moral principle of natural law—peace with all mankind. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been, peace with both belligerents. From the first war of the French Revolution, to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which one of the parties was contending for liberty, or independence. In the first Revolutionary war, a strong impulse of feeling urged the people of the United States to side with the party which, at its commencement, was contending, apparently, at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle, then deliberately settled, has been invariably adhered to ever since.

With regard to the recognition of sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every nation must exercise some latitude of discretion. Precluded, by their neutral position, from interfering in the question of right, the United States have recognised the fact of foreign sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of government in many of the European States, and the revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, political and military. Should Mr. Luriottis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS."

The letter of the Secretary of State to the Agent of the Greek Government, corroborates this view of our policy, and, if taken together, clearly shows the views of the Executive in relation to our foreign policy.

In this hemisphere we have already taken the station which it becomes us to hold. We have been the first to recognise the free States of North and South America, and the honor and safety of this country require us to defend them from the attacks of the confederated monarchs of Europe. We are called upon, by every consideration, to resist them, should they attempt to extend their plans of conquest and legitimacy to America; for, if they succeed in that unhallowed enterprise, the independence of nations will be but a name.

That there are indications of such intentions, no one will deny. The King of Spain has proclaimed his determination to employ force to recover his American dominions. Even he is not weak enough to undertake an enterprise of such magnitude with the resources of Spain alone. The Envoy of the Emperor of Russia, sent to congratulate Ferdinand on his restoration to the fulness of his legitimate authority, or, in other words, to the right of tyrannizing over his subjects without control, expresses the wishes of his august master that the benefits now enjoyed by his subjects in Europe may be extended to his dominions in America. In reply to our call for information upon that subject, the President indirectly tells us, that some combined movement against America is to be apprehended. Indeed, we may see the storm gathering in all the signs of the times.

And at this portentous crisis, when we may be compelled to take up arms to defend our rights and liberties on this side of the Atlantic, shall we extend our operations to the remotest corner of Europe? When, to preserve our political existence, we ought to concentrate our strength, shall we diffuse and weaken it by engaging in a distant war? Shall we, in short, so give way to feelings of mere charity and generosity, as to lose sight of the higher obligations of prudence and self-defence?

The gentleman from Massachusetts has painted in true colors the fearful combination of Sovereigns against the liberties of mankind. But, if there is danger, and I agree with him that it is imminent and appalling, it is here that we ought to meet it. A very slight examination of our resources, of the nature and character of our Government and institutions, will convince us, that, in a distant war, foreign to our interests, this nation is weak as an infant. For purposes of defence, in a war that would unite all our resources, and rouse the energies of the people, we are strong as Hercules.

I repeat, that if there is danger to be apprehended from the avowed principles of the Holy Alliance, it is in America that we must resist them. Like the generous animal, which is the emblem of this country, let us not go forth to seek enemies. If they threaten us, let our warning be heard over the waves, in the voices of millions of freemen, resolved to maintain their liberties. If they approach our shores with hostile intent, we may arise in the collected strength of a great nation, and hurl destruction on the foes of freedom and of America.

I think, sir, that any resolutions we pass on this subject ought to be expressive of our policy and of the position we occupy in relation to Europe, and that which we are resolved to assume in relation to America; and, with that view, I propose the following resolution as a substitute for those offered by my friend from Massachusetts:

"*Resolved*, That this House view with deep interest, the heroic struggle of the Greeks to elevate themselves to the rank of a free and independent nation; and unite with the President in the sentiments he has expressed in their favor: in sympathy for their sufferings, in interest in their welfare, and in ardent wishes for their success."

Mr. RANDOLPH then rose and said, that this was perhaps one of the finest and the prettiest themes for declamation ever presented to a deliberative assembly. But it appeared to him in a light very different from any that had as yet been thrown upon it. He looked at the measure as one fraught with deep and deadly danger to the best interests and to the liberties of the American people; and so satisfied was he of this, that he had been constrained by that conviction to overcome the almost insuperable repugnance he felt to throwing himself upon the notice of the House, but he felt it his duty to raise his voice against both the propositions. He would not at this time go at length into the subject; his intention, in rising, was merely to move that the Committee rise, and that both of the resolutions might be printed. He wished to have some time to think of this business—to deliberate, before we took this leap in the dark into the Archipelago, or the Black Sea, or into the wide mouth of the La Plata. He might be permitted to add one or two other views. He knew, he said, that the post of honor was on the other side of the House, the post of toil and of difficulty on this side; if, indeed, anybody should be with him on this side. It was a difficult and an invidious task to stem the torrent of public sentiment when all the generous feelings of the human heart were appealed to. But, sir, said Mr. R., I was delegated to this House to guard the interests of the people of the United States, not to guard the rights of other people; and if it was doubted, even in the case of England, that land fertile above all others (not excepting Greece herself) in great men—if it was doubtful whether her interference in the politics of the Continent, though separated from it only by a narrow frith, were either for her honor or advantage; if the effect of that interference has been a monumental debt, that paralyzes the arm that certainly would have struck for Spain, can it be for us to seek in the very bottom of the Mediterranean for a quarrel with the Ottoman Porte? And this while we have an ocean rolling between? While we are in that sea without a single port in which to refit a ship? And while the Powers of Barbary lie in succession in our path? Shall we open this Pandora's box of political evils? It has been wisely and truly said, that it is possible the mere rumor of our interference may produce at Constantinople, or at Smyrna, that which will drive us at once into a war. We all know the connexion that subsists between the Barbary States and what we may denominate the Mother Power. Are we prepared for a war with these pirates? (not that we are not perfectly competent to such a war, but) does it suit our finances? Does it, sir, suit our magnificent project of roads and canals? Does it suit the temper of our people? Does it promote their interests? Will it add to their happiness? Sir, why did we remain supine, while Piedmont and Naples were crushed by Austria? Why did we stand aloof, while the Spanish peninsula was again reduced under legitimate government? If we did not interfere then, why now? Sir, I refer you to the memorable attempted interference of that greatest of statesmen, when he was in the zenith of his glory—when all his dazzling beams were unshorn. You know I mean Mr. Pitt; and I refer you, as a commentary of that attempted interference, to the speech of Mr. Fox—a speech fraught with the wisdom of a real statesman. [Here Mr. R. paused.]

When he resumed, he said: I perceive, sir, I have overcalculated my strength. I feel that I am not what I was. The effort of speaking is too much for me. The physical effort has suspended (as, when physical effort is violent, it always does) the intellectual power. What I wished to say was, that this quixotism in regard, either to Greece or to South America, or, I will add, to North America, (so much of it as lies within our own boundary, you know I mean Mexico,) that this quixotism is not what the sober and reflecting minds of our people require at our hands. Sir, we are in debt as individuals, and we are in debt as a nation; and never, since the days of Saul and David, of Cæsar and Catiline, could a more unpropitious period have been found for such an undertaking. The state of society is too much disturbed. There is always, in a debtor, a tendency either to torpor or to desperation; neither is friendly to such deliberations. But he would suspend what he had further to say on the subject. For himself, he saw as much danger, and more, in the resolution proposed by the gentleman from Kentucky, as in that of the gentleman from Massachusetts. The war that may follow on the one, is a distant war—it lies on the other side of the ocean. The war that may be induced by the other, is a war at hand—it is on the same continent. He was equally opposed to the amendment, as well as to that which had since been offered to the original resolutions. Let us look a little further at all of them. Let us sleep upon them, before we pass resolutions, which I will not say are mere hooks to hang speeches on, and thereby commit the nation to a war, the issue of which it is not given to human sagacity to calculate.

Mr. CUTHBERT, of Georgia, hoped that the motion to rise would prevail. The resolutions of the gentlemen on the Greek question covered, of themselves, very important and very delicate ground, but that which the honorable Speaker had since offered, added to the others, threw open for discussion the entire field of our foreign relations; and it was certainly proper that they should all be printed, and submitted to the most deliberate reflection.

Mr. CLAY then rose, and said he hoped the Committee would not rise. He trusted that gentlemen were now prepared to act on the resolutions, with respect to Greece; and as to that which he had himself submitted, and which the gentleman from Virginia had, he must say, gratuitously, and without just reason alluded to in his observations, it was by no means his wish that it should be now considered. He had distinctly stated, at the time he offered it, that he wished merely to lay it on the table, that it might be reflected on. At a proper time he should call it up for discussion. He would, however, incidentally remark, since it had been made the subject of animadversion, what he hoped incontrovertibly to prove, that that resolution, or something like it, must be adopted, or we might prepare to surrender our liberty. If the gentleman wished time to consider it, he should be accommodated; he might take days, or weeks, if he pleased, for more mature reflection; but if the liberty of the country was worth preserving we must rouse ourselves—we must take decided ground, or we are gone, at least in prospect. He trusted that the Committee would now proceed: he pledged himself to show to it that this tocsin of war, which had been sounded with so much effect from one side of the House to the other, was, when examined, a mere creature of the imagination. He hoped that the resolution of the gentleman from Massachusetts would be adopted. The measure for which it prepared, was in strict accordance with the policy of this country, and with the practice of all our Presidents, from the days of our immortal Washington to this hour. He was disposed to accord to the gentleman from Virginia every reasonable accommodation; but, asked Mr. C., has it come to this? Have we yet to make up our minds on the question of the Greek cause? Has there, then, been no pillow reflections on such a subject? Is it now that we are for the first time to "sleep upon it?" He trusted not. He did hope that, ere this time, every gentleman had made up his mind on such a question. The proposition is before us. It asks us to speak a cheering word to the Greeks. Gentlemen had only to say yes or no. That monosyllable was all that was asked of them. Let them say, distinctly, whether they would give so much encouragement as this to a nation of oppressed and struggling patriots in arms, or whether they would shut themselves up in a cold, shivering, contracted, but mistaken policy, which must in the end react upon ourselves. If, in a proposition so simple, so plain, so harmless, so free from all real danger as this, we were to shut our hearts from the influence of every generous, every manly feeling, let gentlemen say so at once. But he could tell the gentleman from Virginia, that he who follows the dictates of a heart warmed with humanity, and with the love of freedom, has a better guide than that cold, unfeeling, pence-calculating policy, which shrinks before it is menaced, and will never do a noble deed, for fear of some remote, possible consequence of conceivable danger.

Mr. RANDOLPH, in reply, explained the object of his motion, which was simply to have the several resolutions printed, that they might be better compared and considered. He begged the pardon of the gentleman; he did not mean to interfere with his resolution. He presumed (judging from the source from which the observations just uttered had proceeded) they were held to be perfectly in order; but the gentleman from Kentucky would pardon him, if the lofty promises that gentleman had given, with respect to what he would show and prove when his resolution came to be considered, left his mind somewhat in doubt as to their realization. He recollected that, in the case lately before the House, on the motion of his honorable colleague, promises equally large had been given by the gentleman from Kentucky, which, in his judgment, had failed of their fulfilment. He certainly had not spent so many sleepless nights in Washington without reflecting, and without making up his opinion, on the question of Greece, and of that of South America too; but he did not hold this to be any reason why the respective resolutions which had been offered on those subjects should not be printed. As to consulting, in legislation, the heart rather than the head, he had, indeed, learned, from much higher authority than that of the gentleman from Kentucky, that our passions may sometimes instruct our reason; but the question was, whether the present was one of those cases?

Mr. CLAY, in answer, said, that he had presented his resolution in no invidious spirit; he had simply read it, and asked to lay it on the table; and any thing that had since fallen from him respecting it, had been drawn forth entirely by the allusions to it in which the gentleman from Virginia had, unnecessarily he must think, indulged himself. As to the realization of promises, it was possible, in the instance referred to, he might, in the judgment of the gentleman, have failed; but that gentleman was one with whom, in any effort he might make, he should not calculate on much success. Complete, however, as his failure might have been, he would venture to assure that gentleman, that it not been greater than his would be in attempting to prove the danger he had attributed to the resolution now before the Committee. Observations of this kind, he said, were painful—they were extorted from him with reluctance. He hoped the discussion would be conducted calmly, fairly, and with good feelings. So far as his own resolution was concerned, he could assure that gentleman, and every other, that he should ever be ready to afford the amplest time for deliberation and discussion.

Mr. Foot, of Connecticut, hoped the Committee would rise. The amendment, he said, enlarged the ground of discussion, and the resolution of the Speaker widened the field still more. He hoped, for his own part, that the resolutions would all be referred to the Committee on Foreign Relations.

Mr. Webster said, that he thought he was not without some reasons for complaint, that matter irrelevant to the subject of his resolution, and proving, in effect, a substitute, rather than an amendment, had been permitted to take the latter form; contrary, as he believed, to a rule of the House, which forbids it. He did not refer to the resolution of the Speaker, since that was distinct, and its discussion not now insisted on; but he referred, especially, to the latter of the two resolutions offered by the gentleman from South Carolina.

[The Chairman here reminded Mr. W. that the latter of these resolutions had been withdrawn.*]

Mr. Cuthbert, of Georgia, repeated the expression of his hope that the Committee would rise; and some of the reasons he had before given, he now insisted on more largely. He glanced at the possible consequences of approaching the shores of any of the European Powers, at the very time we are about to denounce their approach to ours; and the connexion between the measures referred to in the present resolution, and those of the allied monarchs in relation to South America. The policy of this country was isolated and peculiar; the nation was unique in its circumstances, and must be carefully guarded, &c. If the honorable Speaker apprehended no danger of any attempt on South America, he would not have penned the resolution on the table. He knew his lofty and proud spirit too well to suspect him of gasconading, where there was no danger to be feared. He did not suspect him of it—he knew him better. He, therefore, hoped for further time to deliberate.

The question was then taken on rising and reporting, and it was decided in the negative—yeas 84, nays 89.

Mr. Dwight, of Massachusetts, said, that he was sure the House would appreciate the embarrassment he felt himself under in rising to address the Committee, at a moment when they had just been touched by the magic wand of the eloquence of the gentleman from Virginia, and the honorable Speaker of the House. But, having had the honor of bringing the subject embraced by the resolution then upon the table before the House, at the last session of Congress, he should think himself culpable, did he, on this occasion, omit to add his efforts (feeble as they might be) to those of the distinguished gentleman who had brought forward this resolution. He had not words, he said, to express the gratitude he felt to his honorable colleague, (Mr. Webster,) for the very luminous manner in which he had unfolded the principles of the Holy Alliance yesterday. He would not, he said, again apply the term Holy to an alliance, which he could characterize in no other way than as a conspiracy of sovereigns, convened, ostensibly, for the purpose of securing the social order of nations, while they were, in reality, waging war upon the social rights of mankind. Although, he said, he could not express the gratitude he felt to his honorable friend, he would tender to the House a more acceptable homage—the assurance that he would not, in the remarks he was about to submit, trespass upon a subject to which such justice had already been done. He congratulated his honorable friend from South Carolina, (Mr. Poinsett,) who had preceded him in the argument, upon the eloquent description he had given of the cause and sufferings of the interesting people to whom the resolution related. He regretted, however, that he could not congratulate him upon having carried his sympathy to the utmost legitimate extent which the principles of humanity, the recognised rights of neutral nations, and the peace of our country justified. "Stern" (indeed, in the language of the gentleman) "would be the duty of a statesman," if the policy of his country always required him to suppress the best emotions of the heart, when they were sanctioned by the soundest dictates of the understanding, and approved by the acknowledged principles of national law. He felt himself under the necessity, therefore, of opposing the amendment offered by the gentleman from South Carolina, and supporting the original resolution.

The proposition, sir, is one of the highest importance, whether you regard the interesting character of the people to whom it relates, the effect it may produce upon the foreign relations of the Governments from which it proceeds, or the extensive commercial relations it may open between the United States and a numerous, intelligent, and industrious people, the fruits of whose industry, for four hundred years, have been consumed by the despots who enslaved them.

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* Mr. Poinsett, at the conclusion of his remarks on Tuesday, in reply to Mr. Webster, on the Greek question, submitted two resolutions, as an amendment to that offered by the gentleman from Massachusetts; the one in reference to Greece, and another in relation to the independent Governments South of the United States. The latter was withdrawn by him, in consequence of a resolution to a similar effect having been laid upon the table by the Speaker. This explanation is necessary to an understanding of Mr. Randolph's (and especially of Mr. Webster's) remarks. The resolution submitted by Mr. Poinsett, but afterwards withdrawn, was in the following words:

"*Resolved,* That this House concur in the sentiments expressed by the President, in relation to this hemisphere, and would view any attempt to oppress or control the free Governments of America South of us, by the Allied Powers of Europe, as dangerous to the peace and happiness of the United States; and that such measures as may be deemed expedient to protect them from the attacks of any Power, other than that of Spain alone, and unassisted, will meet its cordial support."

My object will be to show, that the adoption of the resolution is alike demanded by the character and the condition of the Greeks, by the obvious commercial policy of our own Government, and that it cannot be opposed by any well-grounded apprehensions of involving ourselves in difficulties with any of the established Governments of Europe.

In touching upon the character of this extraordinary people, he would not take up the time of the House in dwelling upon their origin. It was sufficient for him to remind them, that, in tracing the history of almost all the nations of modern times, the mind was bewildered and the heart appalled, by the mingled ignorance and barbarism by which their origin is surrounded.

To the modern Greek is reserved the privilege of pointing to a brighter spot in the darkness of antiquity, and to remind you that there was the country of his ancestors, and that he is now striving to emulate those heroic achievements, by which they were made immortal; that, when the deeds of his forefathers were embalmed in history, it was in a language rendered classical by its literature; that, in whatever nation of our own time, there exists a love of virtue, a taste for literature, a devotion to freedom—there exists also, in their appropriate language, the mementoes of his country's greatness; that the descendants of those heroes, who first conquered freedom, and of the sages who first taught civil liberty to mankind, are now struggling under the yoke of barbarian bondage; that it is to us, who have partaken of their arts and sciences, their literature and religion, their forms of political power, and their notions of civil liberty, they appeal for sympathy, against a people in whose estimation learning is useless pedantry, our common religion a delusion, and their notions of civil liberty a crime.

In such a cause, an appeal can never be made in vain to that people who, so short a time ago, by their Representatives in this Hall, recognised the independence of the South American Governments almost by acclamation.

But, sir, the appeal of the Greeks is not founded upon the merit of their ancestry, and we are compelled to turn from the contemplation of a people whose origin is wrapped up in the classic associations of antiquity, the recollection of which is unmingled with a regret, except that they have passed away, to the melancholy picture of their present condition.

From the conquest of Constantinople by Mahomet II., the Turkish Government has been kept in awe by the European Powers which surrounded it, through the means of that universal principle of self-defence which nations, as well as individuals, are bound to regard.

The doctrine of the balance of power, and the mutual jealousies connected with its existence, has permitted to sleep, upon the bosom of Europe, a Government which, as the gentleman from South Carolina has well said, were bound by the faith of no treaties, and in regard to which the principles binding the nations of the earth together, are of no obligation. To such jealousies has the Ottoman empire been indebted for her existence in Europe, and not to an intrinsic strength or disposable force, that ought to discourage the friends of Grecian freedom.

The apprehension that Russia would enlarge her colossal empire in the South, or that Bonaparte would, in that direction, take another step in his march to universal dominion; or that England would, in the Archipelago, or in the straits of the Dardanelles, make other depots of her almost irresistible marine, has, by turns, distracted the cabinets of Europe and involved its Governments in desolating wars; but has always resulted in fixing more firmly the firm despotism of the Turk upon the eastern empire of the Cæsars.

During this security from abroad, the Turkish Government had relaxed their system of oppression; for even despotism, when sated and unresisted, may become sluggish, and the interval was employed, by the industrious Greeks, in accumulating, from their soil, and the resources of their national industry, those treasures, which, alas, could serve them no other purpose than to excite the rapacity of their inhuman masters.

In other conquests, the humanity or policy of the conqueror seems to have put a limit to its own severity, and, by degrees, to have blended with its own people and laws, the persons and rights of the conquered. If the humanity of the conqueror has not extended so far, his policy has been contented to seize the dominion of person and property, and leave to the conquered the dominion of the heart, and the charities of domestic life. Not so the Turk; under his sway the conquered subject is permitted to wear his head only upon the payment of a capitation tax; and, lest he should even then forget the distinction between the follower of the Cross and the Crescent, he is compelled to bear, in the color of his costume, the degrading evidence of his subjugation.

I have said that the possessions and the rights of this people were pursued through the waste of the affections. Yes, sir: connubial love, parental affection, filial devotion, the little that binds a slave to existence, all became a crime, because their indulgence were incompatible with the claims of the conqueror. Wealthy families were turned, houseless and pennyless, upon the world, to gratify the avarice of a governor, or pamper the appetite of a favorite. The innocent people, deprived of civil or political rights, were robbed without accountability, and butchered with impunity, by some agent of despotism, who purchased immunity from his master by dividing the spoils of his victim. Whole districts threw up their property into the hands of the tyrant, purchasing repose by their penury, and preferring beggary to dishonor. But, when all had been yielded to avarice which wealth could give, they were subjected to the influence of a still more execrable passion; and you have the testimony of a distinguished individual to the fact, that he has rode over large villages in the Peloponnesus, scathed by the flames, because some reputable family had refused to give up a beautiful daughter as a victim to the execrable tyrant's lusts. From these oppressions, an appeal was made to humanity every where. But it was unheard even by the nation which had exerted its power for the abolition of the more humane slave trade; by a nation that had produced a Chatham to raise his indignant voice against the less inhuman ferocity of savage war; or a Burke, to picture, in pathetic eloquence, the less excruciating sufferings of the inhabitants of Southern India. But it was not made in vain—it was heard by one of their countrymen, whose distinguished bravery and commanding character had raised him to the post of Aid-de-Camp of the Emperor Alexander, and to the command of a Major General in the Russian service. Under such auspices, the struggle for freedom commenced in the northern provinces of Wallachia and Moldavia. Every thing which genius could devise or valor achieve, was attempted, and victory had already perched upon his banners; when the sublime head of the Holy Alliance made the humane discovery, that the happiness of millions of his fellow Christians were not to be put in competition with the legitimacy of the Grand Sultan of the Ottoman empire.

The brave, the devoted Ypsilanti, was denounced and disgraced by his Royal Patron; himself and his sacred cause were made a sacrifice to cold and selfish views of State policy.

For a moment the political regeneration of Greece seemed doubtful, and might have become hopeless; but the measure of the despot's iniquities was not yet quite full. As if he delighted to add to the causes of Heaven's vengeance and a people's wrongs, the venerable Patriarch of the Grecian Church was massacred and hung up at the door of his own Cathedral; and this was followed by an universal massacre of the Greeks at Constantinople and of the hostages throughout the empire.

Amid this work of desolation, the mind has hardly the courage to dwell upon a single instance. But there is something of a peculiar horror, and yet of a grateful, though partial retribution in the affair of Scio, that compels me to bring it to your recollection.

This little island in the Archipelago was the supposed abode of the great poet of antiquity; thither, as if by a classical impulse, many of the Grecian families of easy fortune and of literary habits had resorted through successive years, until its population exceeded one hundred thousand—sixty villages and one hundred churches reared their heads throughout the island.

Here, as if the genius of Grecian poetry still lingered in its delightful shades, and among its vineyards and olive groves, was erected an extensive institution, devoted to literature, where were taught seven hundred students in the arts of peace, and all the mysteries of ancient learning; here, as if in the range of the Ottoman Empire there was a spot exempt from its despotism, peace and security might have been found. If on earth there was a people worthy of the protection of Heaven, it was the unoffending inhabitants of Scio. Yet, this sacred island was delivered up, without a crime charged upon its inhabitants, but that the blood of Leonidas and Socrates ran in their veins, to murder and rapine, conflagration and plunder. The sex that escaped the sword were reserved for pollution; and the devastation only ceased when there was nothing left to destroy. The island became a desert. In the language of our immortal Ames, where there had been men, and wealth, and comparative liberty, there is no more than a sand bank, for sea monsters to fatten on; a space for the storms of the ocean to mingle in mighty conflict. Humanity shudders at such a recital. Atrocities like these, sir, would at any other time have roused the nations of Europe to vengeance; and yet there are men and nations who have heard it without emotion! Where, sir, is the gallantry, where the humanity, where the chivalry, of Continental Europe? Locked in the icy bands of the Holy Alliance.

But, sir, the immediate authors of these unparalleled atrocities were not permitted to go unpunished. The Turkish flag ship, while remaining in the harbor of Scio, with its Capitan Pasha and more than two thousand Turks on board, reposing after their feast of blood, was grappled by two Greek fire-ships, and blown to the elements. A vengeance so merited and yet so awful, that I should hardly have brought it before you, had I not discovered in it another ground of sympathy with that interesting people. No one who hears me will have forgotten, that a similar exploit in the Mediterranean, of some of our naval officers, first gave the brilliant presage of the glory to which the American Navy was destined.

A brilliant victory over the combined Turkish, Egyptian, and Algerine fleets at Tenedos, soon gave the ascendency to the Greeks upon the Mediterranean. But their exploits were not confined to the water. The causes I have enumerated, had roused their nation to vengeance, and Greece exhibited, throughout, the mass of its population in arms: men and women marched, with clubs in their hands, to exterminate a tyranny which threatened them with annihilation. If it was an oppression, such as was never known, it was met by a resistance seldom equalled. If, in a moment of despondency, without discipline, and without arms, they were disheartened by the power of their oppressors, and the waste of their country, they were roused by the recollection that every object in their view presented some classic memorial of the glory of their ancestors; that the ground beneath their feet was the sepulchre of their country's heroes. As if by a refinement of emulation, they met the enemy at the well known pass of Thermopylæ, and where the Spartans had resisted Xerxes for freedom, they determined to reconquer it. A resistance roused by such oppressions, nourished and sustained by such associations, could not but be successful, and Greece once more reverted to its rightful owners.

Does any one doubt that Greece will retain what her arms have so gloriously won? Let him remember, that, within half a century, we, a less numerous, if not a less powerful people, struggled with a nation as much superior to the Ottoman Empire, as we are now superior to the Grecian Republics.

Is there a doubt whether that Government will secure the principles they are contending for? Let us look at the constitution promulgated at Epidamus, on the first day of the last year, and we shall recognise the fundamental principles of our own.

All Greeks are equal in the eye of the law, without distinction of rank or dignity. The property, honor, and security, of every citizen, is under the guarantee of the law, through the medium of trial by jury. The distribution of power into two Legislative bodies, each having a negative upon the other; and a judiciary independent of both—an Executive annually chosen—the abolition of torture and confiscation. With such a constitution; with a seat of government at Athens, where once sat the Senate of the Areopagus, with Minerva and the symbols of Wisdom for the Seal of State; it is impious to doubt whether Greece has the intelligence to be free. And yet these are the men whom the English writers would "learn to despise the theoretic and delusive idea of constitution makers."

The resolution contemplates opening new commercial relations—and with whom? Why, sir, with seven millions of people, whose industry, for centuries, under all the disadvantages of national servitude and private oppression, has sustained and fed that numerous people. It has done more; it has fed the rapacity of their conquerors. With a naval power of six hundred merchantmen, and from whose united merchant service were equipped and manned, in the short space of twelve months from the breaking out of the war, a navy that was enabled to meet the combined Turkish, Egyptian, and Algerine fleet, and to beat them. Is it with such a people, supported by such a naval power, that the policy of opening new commercial relations is doubted? No, sir. It cannot be.

But it may be said that we shall sacrifice our trade with Smyrna, and, of consequence, with the Turkish possessions in the Mediterranean. Let gentlemen look at the official returns of the Treasury of the last year, and they will see how small will be the amount of that sacrifice. The whole amount of our trade to the possessions of Turkey in Asia, Africa, and Europe, will be seen by the last returns not to exceed the value of a single cargo in the India trade. And this pitiful advantage is purchased by the humiliating concession of suffering an American citizen to reside at Smyrna, three hundred miles from the capital of Turkey, without having the acknowledgment or protection of the Government from whom he seeks this little advantage to his country's commerce.

But those who make this cold calculation of pecuniary policy in a question that involves national honor, should look well to the other side of the picture before they decide that even interest should deter us from the measure. Have they asked themselves what would become of our whole trade in the Mediterranean, should the Greek cruisers which visit every harbor and inlet of that sea choose to interfere with it? Does the well known sympathy of the Greeks for this country furnish a guarantee from such an attack? And, if it does so, does not the fact furnish the strongest support to my argument? Shall we avail ourselves of such a sentiment for the protection of our commerce, and refuse to reciprocate it for the encouragement of theirs?

But it may be said her commerce is too small to justify the interference. The argument for the recognition of the South American Republics was sustained, not by reference to their commerce as it then was, but by an enlightened calculation of what it would soon become; and events are already beginning to demonstrate the soundness of the position. Greece, with her limited territory, surrounded almost by the waters of the Mediterranean; and her dense population, devoted to the arts; and her marine, composed of the best seamen of the Continent, must necessarily become an important naval and commercial Power. The duty of the Government, then, is to take measures which may not only encourage, but protect our commerce with such a commercial and naval people.

It remains for me to show what I promised in the outset—that the measure was not opposed by any well-grounded apprehension of difficulties with the other Powers of Europe. This Government has always been, and I trust always will be, as slow to impugn the rights of other nations, as she is prompt in defending her own. But the resolution contemplates no new principle; it falls far short of that which governed this House in recognising the independence of the South American Republics. There we recognised the independence of States which had thrown off the yoke, not of governments which had conquered them, but of the mother country which had colonized and settled them. There we recognised the new governments pending treaties of amity with the old ones, without disturbing, as was fearfully predicted we should do, the amicable relations which had previously existed between us. Here we open commercial relations with a people who were never, but by conquest, an integral part of the Ottoman empire; who, neither by habits nor language, nor by the enjoyment of political rights, have been blended with the conquerors; and whose former government never has had negotiation or treaty with us. Is it an apprehension of difficulty with Russia or with England? Those Powers have only incidentally protected Turkey; not for her sake, but that a barrier might be erected between them, which their mutual jealousies would prevent each other from overstepping. The independence of Greece would form a stronger barrier, because erected and sustained by the hearts of freemen. Is it apprehended that a Republic cannot exist surrounded by the monarchies of Europe? Let us examine the case of Switzerland, that long remained a barrier in Europe, that Bonaparte, in the height of his power, dare not overthrow. Look at the United Provinces of the Netherlands, conquering their freedom from Spain in the height of her power. Look at the Venetian Republic, conquering from the Ottoman empire the fairest portion of Greece, the Morea; and compelling its cession, by the treaty of Carlowitz, in 1699. Look at the Ionian isles, whose independence was acknowledged by Russia in the year 1800, and at the Treaty of Tilsit annexed to the French empire, by the name of the Septinsular Republic. See them in 1817, after the fall of Bonaparte, demanding and receiving the protection of England.

Can Russia look with a jealous eye upon the efforts of the Greeks? What interest can she have that Greece should be reconquered by the Turk, when she has acquitted herself of all participation in her deliverance? The eye of her ambitious Emperor is too intently viewing the natural outlet of his vast empire, the Euxine, and her connexion with the Mediterranean; and, besides, he cannot regret the dismemberment of an empire which he will possess by so much the sooner, as she is weakened in this controversy. Possess—and he must sooner or later—at least Constantinople and the Straits of the Bosphorus and the Dardanelles; they are to his empire, stretching as it does from the Polar Ocean to the Black Sea, and from the Pacific to the Baltic, what the Mississippi and New Orleans are to us. The provinces of Greece would rather weaken than strengthen his colossal power. He cannot conquer; he cannot subjugate them. He may, to be sure, exterminate them; but he is too deeply read in human nature and human history, to be ignorant, that when a people have resolved on liberty, they will be free.

He might have learned, from the history of the United States, the example of a people conquering more from the force of the immortal resolution than by arms, however splendid their victories.

In regard to the motives of the Russian in entering into the Holy Alliance, or rather forming it, he begged leave to express a single opinion; it might be novel, it might be erroneous, but, if correct, it had no little bearing upon the question before the House.

That Monarch seemed to him to have aspired, like Bonaparte, to the government of Europe, by force of some general principle which might assume the shape of a continental question. Bonaparte had done it through the medium of their interests. Alexander had operated through their fears. It was an apprehension of the increasing effort at the reformation of abuses, which the enlightened character of the age had given the other monarchs of the Alliance too much cause to be afraid of. It was this apprehension which had united them under his guidance for the protection of his eight hundred thousand bayonets.

Alexander, then, does not fear the independence of Greece, and England may approve it ere long. The most authentic information from that country, Mr. D. contended, had placed the belligerent parties in an attitude, as it regards each other, which, upon the soundest principles of national law, would justify our opening commercial relations with either. The Greeks have formed a Government for themselves, and the resolution only admitted that the power resided in those who exercised it, without saying to whom it belonged, or fortifying either in their claims to it. The resolution proposes commercial relations with the Government, de facto, upon principles recognised in the history of neutral nations, as well as national law. Spain submitted to as much from all the commercial nations of Europe, for near a century, in regard to her revolted provinces of the Netherlands. She has submitted to more from England and the United States, in regard to the provinces of South America. But yesterday, an American Plenipotentiary was endeavoring to present himself to a Cortez of Spain, whose votes were construed to be treason to their King, and yet we hear of no complaint from that Government.

Upon the principle of treating with its governments de facto, were the Ministers of France received by neutral nations during the Consulate, and of England during the Commonwealth, and yet neither Charles nor Louis, upon their restoration, chose to complaim.

If Greece should commit spoliations upon our commerce, we might treat with them; and shall we not prevent that from being done which we might ask redress for when effected? Could he fear this at home? Years and years might pass away before the serfs of his gigantic empire would hear the name of liberty, much less aspire to the enjoyment of it. The same period might elapse before the Cossacks of the Don and Ukraine could wish to change their profession of arms, or the Tartars of Northern Asia would aspire to a change of their Government. No, sir, he had no such fears at home. The northern hive, when it swarms, will not stop to reform abuses, to depose their king bees and drones, but will proceed to the rich fields and gardens of the South.

It was well said by the Autocrat of the North, in his speech to Monsieur Chateaubriand, Europe shall no longer have an English and French policy.

No, sir, England can never be a party to such an alliance, without carrying her back to the age of Henry VIII. She is not more entirely isolated from this policy than she is from the terra firma of Europe. She will be compelled, sooner or later, to take ground against this alliance, and the sooner the better for her interests and her honor.

It is said, sir, that a co-ordinate branch of the Government may, and from the tenor of the message it is inferred the Executive will do all that the resolution contemplates.

This coincidence of opinion is essential to the success of the measure, and one of the strongest arguments for its adoption. Concert is essential to give effect to a measure calculated to promote the great interests and essential pursuits of the country. Let it not be apprehended that this is too remote and chivalric an effort for the peaceable Government of the United States to make. Let it not be said, that the path of prudence for us is to step aside the question, and leave to others the more direct, but more hazardous one, of marching directly to it. For, it must be remembered, that, by courting the danger, they are meriting the glory of the enterprise. And here, sir, I am persuaded, that no person who duly appreciates his country's power, will hesitate to say, that if the measure is called for by our commercial interests, and sanctioned by the principles of humanity, and not opposed by the stipulations of any treaty, he will hesitate to give it his support, because some Government may choose to make it a cause of difference with us. Such hesitation would imply the surrender of our national independence. To what nation shall Greece address herself for co-operation or sympathy? Shall it be to England? The English Lord Protector of the Ionian Isles has been obliged to suppress the spontaneous sympathy of the Island brethren in their behalf, lest his country should rouse the Turk, and throw him into an alliance with Alexander.

No, sir, not to England, but to America, did Greece appeal from the Senate of Calamata, in language we cannot refuse to hear, "That having deliberately resolved to live or die for freedom, they were drawn by an irresistible sympathy to the people of the United States."

It remains to be determined whether the Congress of the United States will sanction that appeal and approve a sympathy so universal in their behalf, and of the people of this wide extended empire.

Those who regard the true foundation of their country's glory, cannot be indifferent to this interesting crisis. They will consider that her military and naval character stands already so high that it does not require to be exalted; that her progress in literature and the arts is too rapid to need acceleration; that, in the science of civil government she has already done much to adorn and enlighten the age in which we live; and that it only remains to her to consummate her national glory, by enlarging that generous philanthropy which produced the abolition of the African slave trade, and the recognition of South American independence. In such a commodity of national wealth, to be selfish, is to be ungenerous; and base would be the American heart, that would barter the well-earned glory of his country in redeeming one continent from the slave trade, and in giving freedom to another, for Alexander's share in the partition of Poland, or the right of the Bourbon to the broken sceptre of Spain. Enough of military and naval glory have we acquired, to give us most grateful recollections of the past, and most pleasing assurances of the future. The Holy Alliance will hardly assail us, while the thunder of our naval battery is yet echoing along the lakes, and reverberating throughout the Atlantic. They will remember, too, that the British Lion has crouched to the American Eagle upon the land. And, should the Russian Bear, by a bound not more extravagant than certain diplomatic logic, leap over four thousand miles of close sea, upon our Pacific border, we could point out, in Tennessee, a Western hunter that should drive him growling to his native den.

But, sir, we need not these consolations. The Greeks do not ask us for our treasures, or our arms. They bid us remember, that opinion is power, and that the expression of it here on this day, shall gladden the hearts and nerve the arms of millions of beings, as brave, as enlightened, but not yet as secure and happy as ourselves.

Mr. **Mangum** renewed the motion that the Committee should rise. He hoped the gentleman from Massachusetts would indulge him in the motion. He could assure that gentleman that he had yesterday come to this House with his mind, as he thought, fully made up to oppose the resolution; but, by the luminous and able reasoning of that gentleman, his determination had at least been shaken, and he asked for further time for reflection. Thereupon,

The question was put, and the Committee rose, reported progress, and had leave to sit again; and, on motion of Mr. **Taylor**, the resolutions were ordered to be printed.

Wednesday, January 21.

Mr. **Cocke**, by leave of the House, presented a resolution, adopted by the General Assembly of the State of Tennessee, "that the Congress of the United States be requested to pass a law authorizing payment to the officers, as well staff officers as others, and soldiers, for property lost by them in the Seminole campaign; and that the ambiguity, or doubtful meaning, of the act of the 4th of May, 1822, be explained, or modified, or that such a construction be given to said act as will embrace the cases of the claimants;" which resolution was referred to the Committee on Military Affairs.

Mr. **Williams**, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Josiah Hook, jr.," made a report thereon adverse to the passage of the said bill; which report and bill were ordered to lie on the table.

Mr. **Campbell**, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Robert S. Forman, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

The Committee on the Public Lands were discharged from the consideration of the petition of sundry inhabitants of Michilimackinac, referred on the 22d of December ultimo, and it was laid on the table.

Mr. **Poinsett**, from the joint Library Committee, reported the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating five thousand dollars for the use of the Library of Congress.

On the question to agree to the resolution, it passed in the affirmative.

Mr. **Moore**, of Alabama, from the Committee on Private Land Claims, made a report on the petition of Thomas T. Townley, in behalf of the heirs of the late Don Miguel Eslava, accompanied by a bill confirming to the said heirs sundry claims to lands in the city and county of Mobile, in the State of Alabama; which bill was read the first and second time, and committed to a Committee of the whole House to-morrow.

Mr. **HAMILTON**, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the 4th day of May, 1822," reported the same without amendment, and it was committed to a Committee of the Whole.

The report of the Committee of Claims, on the petition of John B. Smith, was committed to a Committee of the Whole.

On motion of Mr. **COCKE**, the report of the Land Commissioners in Louisiana, in the claim of the representatives of the Marquis de Maison Rouge, which was sent to this House by the Secretary of the Treasury, together with all papers and documents accompanying the same, were referred to the Committee on Private Land Claims; and said committee were instructed to report with a view to the final settlement and disposal of said claim.

On motion of Mr. **BRENT**, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making provision by law for surveying the coast, from the mouth of the Mississippi to the Sabine river, in Louisiana; and of causing buoys to be placed at, and upon, the shoals and banks off the mouth of Berwick's bay, at the pass into said bay, which leads from the Gulf of Mexico into the river Teche, so as to render the said passage secure for vessels entering thereinto.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of having a lighthouse erected, or of placing a lamp upon, or near, Point Fer, or upon, or near, the island of "Belle Isle," in Louisiana, for the facility and security of vessels navigating the coast, at the entrance into the pass which leads into the river Teche.

On motion of Mr. **CALL**, the Committee on the Judiciary were instructed to inquire and report what alterations and amendments are necessary in the act of Congress amending an act organizing the Territorial government of Florida.

An engrossed resolution, in relation to an intended visit of the Marquis de Lafayette to the United States, was read the third time, and passed unanimously.

CAUSE OF THE GREEKS.

The House then again resolved itself into a Committee of the Whole, Mr. **TAYLOR** in the Chair, on the state of the Union, and resumed the consideration of Mr. **WEBSTER**'s resolution for sending an agent to Greece, and the amendment thereto proposed by Mr. **POINSETT**, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

The depending question being stated—

Mr. **CARY**, of Georgia, rose and said that he felt himself under some embarrassment in reconciling the circumstances in which he was placed, with the sentiments he was about to utter. If he should say to the Committee that the circumstances and nature of the present subject of debate, pregnant with the most important consequences, had pressed with peculiar weight upon his mind, he feared that he should be laughed at, because he had rushed into the debate with all the precipitate ardor of an ancient Lacedæmonian. But, after the subject had been debated day after day; when the discussion of it had elicited the most splendid talents of this House, and of the nation; when the subject of the Grecian struggle for liberty occupied the whole country—when taste, when letters, when beauty and fashion have all enlisted in the subject, and evinced the most ardent zeal on behalf of Greece—it was not surprising that he should feel, very sensibly, his own inadequacy, and his need of the indulgence of the Committee, while he expressed his decided dissent to the policy of the resolution now proposed, notwithstanding the very high source from which it had proceeded. When the distinguished mover of that resolution, at the close of the speech in which he had supported it, took his seat, surrounded with all the splendor of genius, and all the glories of eloquence, the concluding sentences of that speech had powerfully impressed Mr. C.'s mind. The gentleman had said that whatever might be the issue of the present struggle of Greece, it would be to him a theme of no regret, that he had asked, in the name of seven millions of suffering freemen, one word from this House, of cheering and of sympathy. No, sir, he need not regret it; he had advocated the cause of Greece in the spirit of Greece; he had spoken as if the mantle of Pericles had fallen upon him, and in the finest language of the Saxons he had evinced the spirit of the Saxon race. While he was speaking, Mr. C. could not but think that even if he failed, it would be glory enough to have made such an effort to succeed. Sir, that gentleman has ingrafted himself on the imperishable column of Grecian eloquence. For me, whatever may be the issue of the feeble effort I may be able to make against all the power of that splendid gentleman, I shall enjoy one source of satisfaction. It is not that I have associated myself, in this hall, with the glories of the Grecian eloquence—but that my conscience tells me I shall evince, upon this floor, the spirit of my own country: that I feel as an American, and that I speak as one.

In endeavoring to support those views which I entertain on this subject, it will be necessary to direct myself chiefly to what has been advanced by the gentleman from Massachusetts, since he stands the solitary Corinthian pillar in the Grecian cause, and supports, with so much ability and dignity, the arch on which rests our finest literature, and so many of our most valuable social blessings; and I will, therefore, proceed to show, out of that gentleman's own mouth, that the measure he proposes to this House ought not to be adopted. In the opening of his speech, that gentleman had said that the subject was one on which it was difficult to avoid being carried away by an enthusiastic ardor: a single glance of his experienced and well disciplined mind was sufficient to tell him that, in legislating on this question, feeling was not to be our guide. He knew, as a statesman, though not as an orator, that a corporate or a deliberative body has no soul—that it has, so to speak, no heart—that it must deliberate with sternness, with precision, on all the relations of the country. The gentleman conceded this when he said that our feelings would need to be "chastised." And what was that chastisement? It was in the nature of a sort of duel, in which the judgment fought down the feelings, till it brought them to submit to an exact, sober, mathematical estimate of our relations with the rest of the world. In that spirit, Mr. C. said, he should endeavor to investigate the present question, and would present his views of it in as concise and simple a manner as he was able.

The gentleman from Massachusetts had gone into an able, a minute, and an attic examination of the principles of that combination of crowned heads, which threatened the safety of popular liberty in Europe; and he showed, in a forcible manner, the ominous and dark forebodings to which that combination led every thinking mind. He said that the spirit of the Stuarts (I, Mr. Chairman, would rather call it the spirit of power) had again appeared and claimed the right to tyrannize over men, by a divine delegation. He connected, in a most elegant manner, with the development of these principles, the fall of that military ruler who trampled for so long a period upon the world, and had jostled the earth from its equilibrium. He said that society had its origin in a sort of family compact, in which the independence of each nation was secured by a combination to prevent the strong from oppressing and swallowing up the weak; but that, in the principles of this Confederacy, all these securities were merged and lost by an admirable and impressive figure. He represented society (if I understood him rightly) as divided, not perpendicularly, into nations, but horizontally—all the monarchs being above, and all the people below. Well, be it so. Such was, unhappily, the state of the fact. But, sir, does it result because this is the fact, that it augurs any danger to us? I say no, sir; and if you ask me where is my authority for such a denial, I answer, in the gentleman's own declaration. He said, that ever since the diffusion of that light in Europe which had produced the French Revolution, that vast political Ætna, whose every eruption made Europe tremble and turn pale, and the furious tide of whose burning lava threatened to overwhelm every nation of the continent, there had been an intelligence at work at the root of society, an inextinguishable spark thrown among its elements, which rendered it impossible that men should long submit to a system so monstrous, both in theory and practice, as that of the Holy Alliance. Sir, we believe this. It cannot last, sir. That horizontal division of society, of which the gentleman had so strikingly spoken, must and will be broken up; those glittering pageants who now appear in the upper section, rely upon it, sir, are more formidable in appearance than in reality. The materials are already in existence; they are present in the lower section, which must ultimately blow up this state of things, and prostrate these high dignitaries into proportionate degradation. Whenever we see a combination of bad men, (whether monarchs or others,) we may always conclude, on the general principles and history of human things, that the combination will ultimately be crushed. The alliance of these confederated monarchs is a rope of sand—it rests on principles false and selfish, and its continuance will, of necessity, be temporary and transient. As soon as one of the confederated Powers becomes overgrown, the combination will split to pieces—and when that happens, Europe will have too much work at home to look elsewhere.

Sir, the speech of the gentleman from Massachusetts was a string of truisms; each of these was incontrovertible; each of them made a mellow and a deep impression on my own mind; but, sir, I differ wholly from that gentleman in the application that he made of them. It does not follow, because I felt and acknowledged the truth of each of the facts and opinions he stated, that the whole, as combined, produced an equal conviction. Mr. Chairman, I am a common-place man; I can boast of no effect of inspiration; I have not dived far into the wells of science, nor have I been touched by the wand of any of the magicians of learning or genius; I am of those who believe that there is no mode to receive light from Heaven but that which is common to mankind; and that, as in the physical world, the orb of day illumines alike the various districts of our country, shines equally on the South as he does on the North, and on the West as the East, so does the great orbit of uncreated light illumine alike the world of intellect. But, sir, this is a question that has a native tendency to unbase the mind; to throw it completely off its balance; and its discussion is therefore to be approached and conducted with the utmost caution. And, sir, let us not forget that this Government is one calculated not for to-day or to-morrow, but that its benefits and effects are to endure, and to diffuse themselves ultimately over the whole world. I listened with interest to the historical detail so ably and beautifully given by the gentleman from Massachusetts, respecting the treatment of the Greek nation by the monarchs of Europe. The story was interesting, from its manner; but, sir, it was not new. We all know that power cares nothing for right; that it treads on every thing; that, in its eagerness for acquisition, it grasps at more than it can hold, and, by grasping at too much, unnerves itself by its own cupidity. But, sir, let it go on to grasp; let it go on to accumulate; let it continue to pursue its crooked, transverse, and contracted policy; it is now nothing to us. We have got through all that; we fear it no longer. But, sir, is it therefore necessary or proper for us to do even what the modest and very moderate resolution of the gentleman from Massachusetts proposes? Are we called to step out of our character and mingle again in the turmoil of European politics? Above all, sir, shall we approach the struggling Greeks with fair words and a smiling countenance, but with nothing in our hand to aid them? I know, sir, that there is much in manner. I know that the great orator of antiquity, when he was asked what was the first requisite in an orator, answered "manner;" and when asked what was the second, answered "manner;" and when asked what was the third, still answered "manner;" but I fancy, sir, if that immortal example and teacher of eloquence were an auditor of our present discussions, and should be asked what was chiefly required in the intercourse of this nation with Greece, he would answer something else than "manner;" he would advise some proof of our sincerity. What is the language of Mr. Luriottis? He tells you that he looks to this country for friendship and assistance. Surely, he means substantial assistance. He does, indeed, with the politeness of a cultivated man, intimate that even one word of encouragement will be received with gratitude; but, if I understand him, he does not seem to understand our principles of neutral policy. But, sir, admitting him to mean what he says, would it not be disgraceful to this country and Government to take for our standard of action the modest and stinted demands of a polite correspondent, instead of granting the measure of full and manly aid? But, Mr. Chairman, this is not all. I did once think that we might open a commercial intercourse with that country; but I am now more than ever convinced that even this would be a dangerous intercourse.

Sir, if Greece be indeed so lovely, so beautiful, so exquisitely touching in her distress, who can approach her with the tears upon her cheek, and not be carried away by his pity into every extreme of imprudent zeal in her cause? Sir, the measure now proposed will only prove an entering wedge to more; if we once go a wooing up the Archipelago, we shall ere long find ourselves where it will be too late to stop. If we look at the history of our country thus far, we find no precedent to justify it; we find nothing in the writings of any of our greatest and wisest men. That immortal man who saved the Republic by his valor in the field, and saved it a second time by his wisdom in the cabinet, he who seemed to possess a mind formed for the whole universe, even Washington himself, seemed to have had a foreboding that one day a case like this might present itself, and, in his parting address, warns us against the danger. Was he not right? Yes, surely. We had won our independence by arms; a wide ocean separated us from the Old World; he knew that we were a peculiar people and peculiarly situated—that we live alone; and he advised us to keep ourselves free from embarrassing connexions with the governments of Europe, (all of which had their origin in the dark ages, and still bear the impress of that origin,) and to cleave to the ark of our own liberties. Was this unbenevolent? Was this too little a conduct for Washington to recommend? No, sir; we had bought our freedom with our own blood—and we were surely doing enough for the world, if, while we surrounded the temple of our liberty with a wall of fire from our enemies, we made an opening in that wall to receive whoever would come to us as a friend. Yes, sir; I repeat it—this Government, by its example alone, has conferred a benefit on the whole human family. That example brooded over the mind of France till it produced a revolution which threatened, and had at one time nearly accomplished, the downfall of tyranny; that same example is still impregnating the mind of continental Europe, and it will sooner or later bring forth freedom. Surely, sir, if we open this fair land, with all its signal privileges, as a refuge for the oppressed from every land, we do, on that subject, all that we are called to do. Should we, in a spirit of vain adventure, attempt to do more, may not the oppressed have reason, some day, to say to us, You left your home and let your house burn down, where not only you might have remained safe, but we too found a refuge?

Mr. Cary, in conclusion, said, that he trusted and believed he had now expressed the sentiments which became an American. Let us, in our private capacity as men, as freemen, as Christians if you please, feel for them, cheer them, and aid them too; but as a nation, as a Government, let us not mingle ourselves with the embroiled policy and the endless disputes of Europe. He had not, he said, troubled the Committee with historical details—yet there were some lessons on this subject to be learned from the history of the Greeks themselves. When Demosthenes was laboring to save the Athenian State, he advised his fellow-citizens, instead of running about the Forum, asking where is Philip? What is Philip doing now? Is Philip dead? to look after their own affairs. The affairs of Europe are to us this Philip; and the advice of the immortal orator is for us to pursue. He trusted neither the resolution nor the amendment would prevail—the latter, he said, makes a promise to the ear, but breaks it to the understanding. In the name of candor and (he felt inclined to add) in the name of God, if you do not intend to go farther, give nothing that may be welcomed as a pledge.

Mr. Wood, of New York, rose and observed, that he had no idea that any thing that he had to say would change a single vote on the question, but that the subject had created great excitement in the community, and that what he should say, would be merely in justification of the vote which he deemed it his duty to give.

He observed, that the resolution, as explained by its advocates, implies that the United States are the guardians of liberty, and are bound to propagate it among all nations. Sir, said Mr. W., this is the doctrine of the Pope, of Mahomet, and Bonaparte, and leads to universal war—to universal power. Before we admit this doctrine, it would be well to examine what was our duty as a nation. The duties of every nation are limited to the prosperity and security of its own citizens; it owes nothing to other nations but the duties of humanity. This is more particularly the case with a government like ours, which is only intrusted with certain specific powers.

The Government of the United States is bound to employ the treaty-making power, so as to secure a market to our own citizens for the encouragement of their industry, by stipulations with other nations for the mutual exchange of their productions, and to employ their power over imports, so as to foster domestic industry, and prevent its being overwhelmed by an unequal competition in our own markets.

The Government is also bound to provide a navy and army, with such national establishments as are necessary to repel or redress injury from other nations, and this is the limit of its authority in relation to other nations. We have no authority from the Constitution to embark in wars of ambition, or to propagate the principles of religion or liberty by the sword.

Because the world is full of oppression, is this Government the Hercules that is to free it from the monsters of tyranny and slavery? And are we bound to emulate the chivalrous achievements of the renowned Knight of La Mancha, by engaging in conflict with every windmill that we may, in the delirium of our frenzy, imagine to be a tyrant?

It will be asked, is our Government to be of no use to mankind? I answer yes; but not by its fleets and armies—not by embarking in a military crusade to establish the empire of our principles—not by establishing a corps of diplomatic apostles of liberty, but by the moral influence of its example.

It presents to the world a model by which the rights of men may be secured, and the benefit of good government may be obtained, with the least sacrifice of individual independence. It excites inquiry—it invites examination; the knowledge of it will be conveyed, by our flag, to every region of the earth. Foreigners will visit our shores; they will examine its structure; they will witness its practical operation; they will discover its excellence; and it will thus diffuse a spirit of reformation throughout the world.

Much has been said, during this debate, about the spirit of the age. The present age is distinguished from the last by liberality of sentiment in religion and politics. The American Revolution, Bible societies, and Christian missions, aided by the extension of commerce, have produced this change. It does not need the aid of physical means—such aid would obstruct its influence. This moral influence is all powerful, but does not irritate—does not excite alarm—does not provoke opposition. But, let it be connected with physical means, and it instantly will meet with resistance. Let it, then, operate as it has done, and we may expect it will continue to produce more and more important results, till the governments of the world are reformed.

Sir, the measure proposed is premature. It is predicated on the supposition that the Greeks have already achieved their independence. It is altogether uncertain what will be the result of their struggle. In the document communicated by the President, it is supposed to be uncertain. It may result in a new Grecian monarchy; and, certainly, we can have no sympathy for success in a change from one despotism to another. Any political mission, till the fact of their independence is ascertained, is an infringement of the law of nations. Public ministers are the means of intercourse between independent nations; but the law of nations does not recognise a mission from one independent Power to the subjects of another. It is stated that, in cases of competition for a Crown, or in case of civil war, where parties are equal, a minister may be sent to either. But, in case of a mission to subjects in rebellion, who should prove unsuccessful, it will be a violation of the rights of their sovereign, and a legitimate cause of war; and the nation who sends the minister ought to be prepared to aid the insurgents by force. This was the case of the French, Spaniards, and Dutch, who aided us in the commencement of our Revolution. They calculated from the beginning to aid us, if it should become necessary to the success of our Revolution—but it is not proposed, nor is it in our power, to do this.

Sir, it is very doubtful whether the Greeks possess the elementary principles that are necessary to form a free State. If a people possess the elements of freedom, they cannot be long held in slavery; and if they are destitute of these, no efforts they may make will terminate in the establishment of free institutions.

The love of liberty is so ingrained into the heart of every American, that we are apt to overlook the difficulties in the way of free government, and to conclude that every effort in favor of liberty will be successful.

It is a deception to compare the situation of other countries with ours, at the commencement of our Revolution.

We inherited the principles of liberty from our ancestors; we were educated in the free principles of the common law. We enjoyed the protection of person and property, the right of suffrage, and trial by jury; in which it would require a century for any people who have been born under the civil law to be instructed, and much longer to acquire by their own exertions.

Sir, are gentlemen aware of the value of the inheritance which they have derived from their ancestors? The privilege we enjoy is the result of a struggle of virtuous and enlightened men for more than six hundred years, with ignorance, superstition, and tyranny. They were extorted by piecemeal, with incredible labor and perseverance. It was more than two hundred years from the Great Charter to the Bill of Rights. From the time of the Great Charter to the American Revolution, distinguished individuals continued the conflict, breaking one fetter after another, until their persevering efforts terminated in a complete emancipation of this country from the shackles of superstition and tyranny, and in the establishment of civil and religious liberty, by political institutions conformable to the principles of natural liberty, and calculated to secure it.

Sir, the peace of the country was endangered at the commencement of the French revolution, by disregarding those difficulties. A brief examination of the principles that are essential to the structure of every free government, will enable us to calculate the chances of a struggle in favor of liberty with ancient institutions, with more correctness.

Political writers agree, with one voice, that no people can be free, who have not intelligence to understand their rights, and virtue to submit to the restraints of law, as well as to aid their execution by the moral force of public sentiment; but they seem to have overlooked the influence of property in society. Experience proves, that intelligence and virtue may be overborne by the influence of property, secured to a few by the laws of the society.

Property is the basis of power in society. This is a law of our nature, and founded in the moral constitution of man. Men will be governed by their wants, and will be subservient to those who feed them, or who furnish them with the means of feeding themselves. The condition of the real property of any country will control and modify the Government. The possession of the whole country by a few persons, secured by the laws of primogeniture and restraints against alienation, will necessarily lead to monarchy or aristocracy; an equality of property in the soil, or the power of acquiring it, will lead to a republic. The first was the plan of the feudal system; the second is the plan embraced by the constitutions and laws of the States that compose our Union. The hereditary descent of property and established ranks, with exclusive privileges, lie at the foundation of the European Governments—the great mass of the people are tenants, laborers, and artisans, without any interest in the soil.

Before free Governments can be established in those countries, the existing establishments must be rased to their foundations, and the whole structure of society must be reorganized; the restraints on alienation must be removed, ranks abolished, and equality of civil privileges established.

Were the people admitted to share in legislation, while the feudal principles of rank and property remain, their power would be unavailing to withstand their influence—the power of society would remain in the same hands with the property, and would control the acts of the Legislature. The British Parliament, with their peculiar advantages, have never been able to relieve the nation from the dominion of the feudal system.

No revolution that does not render real property partible, and couple the power of alienation with the ownerships, so that the great body of the people may become interested in the soil, and have a common interest in the country, can be the basis of a permanent free Government. It was because these changes were not made in the established order of things, that so many attempts to establish free Governments have failed. This was the cause of the failure of the efforts that were made in England, in the time of the Commonwealth, and not the want of virtue in those who conducted them, as Montesquieu supposes. This was the cause of the failure of similar efforts in France, during her revolution. They both removed the restraints on lands held in mortmain, but there they stopped—the same result will forever be produced where the revolution does not affect the feudal principles of rank and property. It was under a conviction of the necessity of the division and alienability of real property to the establishment and permanency of free Government, that the several States in our Union abolished entails and the rights of primogeniture; and it is in accordance with the same views that the courts of the different States will not tolerate any disposition of real property that leads to a perpetuity.

The tendency of society to inequality is as constant as gravity to the centre; laws that favor inequality are hostile to liberty; and the excellence of a free Government, is its fitness to counteract this tendency of society. The alienability of real property is an essential element of freedom—it is the source of all the virtues necessary to sustain it—it is the parent of industry, economy, independence, and patriotism—it is the redeeming principle that will preserve all the rest from corruption; where it exists the empire of liberty is secure. The incorporation of this principle in the laws and constitutions of the United States affords the strongest assurance of the perpetual duration of liberty in this country.

The condition of real estate in South America is what endangers the success of the efforts there made to establish free institutions. One-third of the real property is said to be in mortmain, and is occupied by tenants who are under the control of the ecclesiastical establishments. In some of the provinces, there is a species of nobility, who have immense possessions, secured by law; and unless they remove the restraints on the partition and alienation of real estate, and secure an equality of civil privileges, by their new constitutions, the temple of liberty will rest on a sandy foundation, that will not long sustain it.

Do the Greeks possess the elementary principles of freedom? This is very doubtful. They are represented by the travellers who have visited them, in general, as grossly ignorant of political principles—as by no means distinguished for a scrupulous sense of moral obligation, and as unequal with regard to property. There are some intelligent men among them, who have been educated in Italy, Germany, or France, but the great mass of the people have very little knowledge of the free States that once existed in that country; it is but recently that their ambition has extended further than to re-establish the Greek Empire without any design to form a free State. The Ottoman Empire has been decaying ever since the discovery of a passage to India by the Cape of Good Hope. The provinces are becoming independent, and new sects are dissolving the only bond that held them together. The Greeks also constitute the largest part of the population of Europe. They will probably succeed in rendering themselves independent of the Porte, and will, most probably, transfer their allegiance to a Russian Prince, and erect a new Grecian Monarchy. They may lighten their chains, but will not at present establish a free State.

The adoption of the resolution, under these circumstances, would be premature, and might involve us in the absurdity of recognising as a fact what does not exist. But the strongest objection I have to the adoption of the resolution, is, that it may involve us in a war with the nations of Europe. The facts disclosed in this debate, as well as the Message of the President, are calculated to excite some apprehensions of danger to our repose.

We have subsisting causes of controversy with some of those Powers. Is it prudent to multiply them? The principles of our political institutions are in direct opposition. We hold that all power resides in the hands of the people; that Government is formed by them, and for their benefit, and is to be administered by persons chosen for limited periods, who are responsible to them for the faithful discharge of the trust. They hold that all power resides in the Sovereign, and that any participation to which the people may be admitted, is an emanation from the grace and favor of the Sovereign. These principles are as opposite as light and darkness: they cannot coalesce. The extension of one is the extermination of the other.

Sir, the existence of our form of government is a subject of anxiety to the Sovereigns of Europe. Our twenty-four States form a new constellation in the northern hemisphere, which, though scarcely visible above the horizon, sheds a partial but ominous light on the old world—

"As when the sun, new risen,
Looks through the horizontal misty air,
Shorn of his beams, or from behind the
Moon, in dim eclipse, disastrous twilight
Sheds on half the nations, and,
With fear of change, perplexes monarchs."

It is the sword of Damocles, which disturbs the slumbers of despotism, and is incompatible with its repose. Has not the extension of our principles, by the revolutions in South America, excited terror and dismay? and do we not hear, in every murmuring breeze that is wafted from the eastern continent, in broken whispers, *delenda est Carthago*, and shall we not be upon our guard?

War with all Europe would be extremely pernicious to us; not that I have any apprehensions of our being subdued; but, by its wasting energies, it would be less injurious to them than to us. We are not able to contend with them on equal terms; our incapacity arises from the felicity of our condition.

They have an accumulation of capital, the product of ages of industry—they have a surplus population which is a burden to them, and from which war would relieve them. They can embark in war without interrupting the common pursuits of life, or materially affecting their revenue. On the contrary, we need our whole capital for public improvements, and to lay the foundations of the institutions which are necessary for the development of domestic industry. We have no mendicant population to form an army. Our soldiers must be taken from the plough, and the common pursuits of life.

War with us deranges industry, interferes with our private pursuits—affects every cottage—arrests the progress of our improvement—annihilates our ordinary revenue, and augments the necessity, while it diminishes our ability, of contributing to the public energies.

Recollect the embarrassments of the year 1814, for men and money—recollect the universal distress occasioned by the calls of the militia from their occupations to the seaboard and to the frontiers, and pause before you pass this resolution. Let every man lay his hand on his heart, and ask himself, if such was our distress, when engaged only with a part of the force of a single Power, what would have been our condition, what would again be our condition, against the world in arms?

What is the true policy of this country in relation to foreign nations?

The common Father of our Country, among the treasures of wisdom he has bequeathed to us in his Farewell Address, conjures us, in extending our commercial connexions with foreign nations, to have as little political connexion as possible, and the Sage of Monticello, in his inaugural speech, which is the text book of his political opinions, councils us to cultivate peace, commerce, and honest friendship, with all nations, but to form entangling alliances with none.

The same course of policy is dictated by our physical and moral condition. Providence has prepared the people of this country for high destinies. When a new empire of civil and religious liberty was to be established, he selected a site three thousand miles from the corruptions of Europe, which would have checked the growth of the institutions that were to secure them. When we were ripe for independence, it was achieved, and now, to favor the prosperity of this great moral empire, which he has evidently destined to be the scene of higher degrees of moral excellence, and of a greater perfection of the human character, and of civil society, than has ever before been witnessed, he has connected our felicity with an incapacity for wars of ambition, or conquest, which would impair it. Is not this a mark of divinity? and is not the monition as authoritative as a voice from Heaven?

Sir, the laws of moral order are as obvious as the laws of civil society—the sanctions of those laws are as visible as your public prisons. It is a law of moral order, that men should avoid all excess—the sanction of this law is ill health, premature decay, and death. It is a law of moral order, that nations should live in peace and friendship; and the sanctions of this law are—derangement of industry, insecurity, loss of property, loss of lives, oppressive taxation, poverty, loss of liberty, despotism. No nation ever broke this law with impunity; the effects are recorded in history—they are verified by experience, they are written in colors as deep as the tints of the rainbow.

Will you violate this law, and share the wretched fate of other nations, or will you unite with the designs of Providence, and accept the happiness that is tendered to your acceptance?

Mr. Baylies, of Massachusetts, claimed indulgence for a short time, while he should offer his views upon the subject now before the Committee. He was sensible of the difficulty of adding any thing new to the discussion, and should content himself in following somewhat in the track of his honorable colleague, who had spoken so ably and eloquently upon the question. He felt somewhat surprised at the manner in which gentlemen who opposed the resolution had treated the subject. The adoption of this resolution had been supposed by some to amount to a declaration of war against the Turks. Mr. B. thought the resolution had nothing hostile in its character, and contained but a plain expression of the opinion of the House. If it had no feature hostile to any other nation, the House had certainly a right to adopt it—to deny that right, were to deny the independence of this country. If the rising of the Greeks had been but a partial insurrection, or a mere temporary tumult, he should doubt the wisdom and the expediency of this measure; but this was not the case. And yet it had been said that it would be unwise to go forth and act upon such a subject where our interests are not involved. There was not a member, he trusted, on that floor, so base as to shrink from an avowal of his opinion in this contest; none could be found so degraded. And, Mr. B. said, he understood this to be simply a question, whether it was right to justify the President of the United States, by an expression of the opinion of the House, to send an agent among the Greeks for the purpose of inquiry. In the consideration of this proposition, he thought the House should take into the estimation the fact, whether the Greek provinces have actually achieved their independence; and if so, whether there is a reasonable prospect that they will be able to maintain it. He believed it was not denied, from any quarter, that a considerable portion of the Grecian territory had been rescued from subjection—that the march of despotism had been arrested upon the ancient Peloponnesus—that the city of Corinth, and almost all the Grecian islands, had been made free. In nearly every encounter on the ocean, the Greeks had been victorious, and by a general system, determined, and efficient, had endeavored to relieve themselves from an intolerable despotism, which had not only chained down the body, but had imposed fetters upon the mind, and tyrannized over the conscience. If it were then true that a considerable portion of the Greeks had succeeded in rendering themselves absolutely free, it was worth while to inquire as to the probability of their eventful success in retaining their freedom.

It was historically true, Mr. B. remarked, that, in struggles of this character, the power of the invaders was always gradually weakened and destroyed, while the capacity of defence, the discipline, and the strength of their opponents, was continually increasing. Every battle, whether won or lost, did but the more surely develope their means of resistance, every day gives new confidence. He thought it peculiarly fortunate for that people that they had hitherto resisted the efforts of those who were endeavoring to resubjugate them alone; it holds out a prospect that they will be able to sustain that resistance, as they have commenced it without help.

We know that the Powers of the Holy Alliance have recently pursued a course of policy conformable to their ideas of legitimacy, and of the settled order of things. It is under this influence that they have refrained from interposing in behalf of the Greeks, and the consequence of this course would eventually be beneficial to the Greeks; they would be better without this aid than to run the risk of being thrown in as the *make-weights* of some treaty, or used merely as the political views of these Powers might suggest.

But, Mr. B. said, there was a power existing in the world which would overawe all other power—popular opinion. The Emperors of Russia and Austria would not dare to join their forces with those of the followers of Mahomet. They would not dare to enter Constantinople for such a purpose, when the first light that would meet their eyes would be the white locks bleached in the wind, flowing from the venerable head of the Greek Patriarch, who had fallen a victim to Turkish barbarity.

It would be worth while, perhaps, to examine the course which England had taken towards this people—England, that lofty-minded, generous, and chivalrous people—England, who tells us that, to the brave, the free, and the unfortunate, her arms afford protection, and her bosom a shelter. What had England done for the Greeks? When their Minister to the Ottoman Porte had witnessed all the enormities that had been perpetrated upon them; when the agonizing shrieks of the victims of Turkish barbarity rang in his ears, Lord Castlereagh was not so Quixotic as to interfere in the concerns of foreign nations; and the documents communicated by the Executive show plainly what Lord Strangford had been doing. It seemed that the object of the British Ministry had been to place them under some one of the Princes of their nation—in fact, to make this gallant people no better than slaves. Mr. B. said he was not of the number of those who thought the true test of American patriotism consisted in violent denunciations of the British nation—he did not rest the acquisition of popularity upon that point—but he did think that the policy of the English nation, in regard to the Greeks, had been a mere counting-house policy. They had looked to their treasury, and considered the probable gain or loss, which was to result from the one course or the other. They had followed too servilely the maxim of the younger Pitt. It was a well known notion of his that the Turkish Government should always be considered and treated as one of the nations of Europe, and that this was necessary to preserve the balance of power. Perhaps such a course might once have been wise, but time often rendered it necessary to change existing systems. Had the younger Pitt lived till this time, he might have altered his views, and have offered the aid of England to succor the cause of the struggling Greeks—that aid might have been rendered in money, ships, and soldiers. But still there is enough of generous feeling in the great body of the English people to prevent Ministers from giving open aid to the Turks in this contest. It could not be believed that British aid would be rendered to the Ottoman Emperor with the consent of the English people.

Unaided and alone, the Greeks have nobly sustained their ancient character. They had been subjected to the greatest hardships—they had beheld their infant children torn from their embrace—their wives and daughters consigned to the outrages of a brutal soldiery; and no hand had been extended to rescue them. But, in due time, a noble principle of resistance was awakened in their souls—they rose in the majesty of their strength, and confounded these men of blood. Another consideration lessened the chance that the Greeks would be again subjected. Nearly four centuries have elapsed since the Greeks were reduced to the dominion of the Turks; and, during all this time, they have existed as an entirely distinct people. So ignorant have the Turks been of their true policy, that they have neglected to unite to them, by intimacy, and similarity of habits and customs, this people who would have been their greatest strength and safe-guard. Hence, in the Ottoman Empire, there has always been two distinct nations—having no family alliances, no common sympathy or faith; differing in language, and differing in interests—and hence it is, that any internal commotion must shake such a nation to its centre—and if foreign difficulties occur, the Turkish Government must crumble to atoms—that Government which has been the terror, but is now the shame of the world.

Who could have expected that such noble virtues and such true bravery would have sprung up among an enslaved people, as has been exhibited by the Greeks? Every attempt to assert their rights has been met with violence; their implements of resistance have been wrested from their hands; the sabre has been applied, where any disaffection was manifested. Under all circumstances, it was natural enough that they should be distrustful of their own powers; but it is truly wonderful that their character should have shown out so splendid. The gentleman from New York, who spoke last, seemed to think that the modern Greeks knew very little of the ancients; and were hardly aware that such a city as Athens once was, had ever existed. [Mr. Wood here explained.] Mr. Baylies said he was glad to find himself mistaken in the intent of the gentleman's remark. One fact, however, would serve to show how far their intelligence extended, in relation to their ancestors. It had been asserted, from good authority, that the common Greeks were in the habit of reading Homer, in the original. If this were the case, the barbarous state of the Greeks could not be urged with much force.

Mr. B. said, he had heard many objections to the adoption of the resolution now under consideration; but the most plausible of all was, the hazard to our trade—that the scenes of piracy, which had so often disgraced those seas, might be renewed. But, he conceived there was little danger, on this head, from the Turks; they were too indolent a people; preferring to occupy their time in smoking opium in their camps. Most of the trade which was in danger of being assailed, we owe to the Greeks—the articles we get from Smyrna are mostly produced and carried there by them. If the Greeks are exterminated, that trade is exterminated with them. If the Greeks are successful, they will have possession of the very dens from which these piracies have been committed, and will be enabled to put a stop to them—they will check the stream at its very source. Since the establishment of our Government, we have paid tribute to prevent the depredations of these barbarians—and how many of our citizens have poured out their blood in conflicts with them, and endured the worst of slavery under them? We may go to our navy yard, and read upon the column there the names of those who were thus sacrificed. If these hordes should be eventually exterminated, our gain might far surpass any loss we should incur. During the four centuries that the Turkish empire has existed, what has it done to illustrate the human character? What has it done to advance the human intellect? What to promote human happiness? The Turks have held existence as the most degraded of all slaves; and have been a disgrace upon the face of the earth.

Mr. Baylies begged leave to recount, not in his own language, those scenes of horrors, from which his colleagues who had spoken on this subject, had seemed to recoil. This Hall, he said, had often resounded with the terrors of the tomahawk and scalping-knife; but he believed no gentleman, however conversant with Indian warfare, could unfold a tale of equal horror, with that which he was about to read to the House. [Mr. B. here read some extracts from the address of the merchants of Scio, in behalf of their distressed brethren, depicting, in strong and feeling language, the sufferings the devoted people of that island had experienced.] Comment on such a paper, said Mr. Baylies, is unnecessary. He hoped he should be indulged by the Committee, while he took a brief prospective view of the changes which the success of the Greeks would work in the world. If they do succeed, it will be owing to the exertions of an able, and well disciplined military force, it will be employed in wresting power from the hands of the Turks, and it will go on, even past the gates of Constantinople; and if the Christian banner once waves upon the towers of St. Sophia's, the crescent will have waned forever. If other provinces should discover the glimmering of day, they would soon be in arms, even to the Bosphorus; and they would succeed in driving back this encamped nation to the region in which they originated, never more to mar the fair proportions of that moral system, which should shelter and protect the liberties of the world.

In their attacks upon the Greeks, the Turks had been peculiarly assiduous to wreak their vengeance upon every thing connected with religion. The monasteries, the churches, and the priests, had been the first to be sacrificed. They had shown their irreverence of the Christian religion, conspicuously, amidst the desolation they had caused. If the Greeks succeed in their attempt, they will not only rescue Syria, but the Holy Land also. That land, so celebrated in the annals of our religion, rendered so illustrious by its miracles, will soon be theirs. Where the visions of the glory of the Almighty have appeared, may he cheer his chosen warriors by the cloud and the pillar of fire. For such a cause as this, the noblest deeds of chivalry had been done; for this, the Lion-hearted King of England had exerted his powers, in a manner almost too romantic for conception.

If the Greeks prevail, the Mahometan religion, a religion of the senses and the sword, will be exterminated. The Bible will take the place of the Koran. Religion, softening, elevating, and refining the human character, and strengthening the tone of moral feeling, will be established in the place of infidelity. The Greek language, a language of music, poetry, and intelligence, will soon become the language of a living nation. He would not appeal to the sympathy of the House by calling up the illustrious names which adorned the history of Greece. There was not a gentleman upon that floor, whether his mind had been disciplined in the school of the classics or not, but possessed sufficient knowledge of those names, and of that history. Whenever the light of science should be permitted again to dawn freely upon her, Greece will assume a new and glorious existence.

Her seas studded with islands, and her shores indented with harbors, she is destined to become an important commercial nation. And one principle exists, in regard to her navigation, which will have a tendency to carry it to the highest state of perfection: her vessels are owned by the persons who navigate them, like the whale ships and fishing vessels of our Northern States; and that fact is a most fortunate one, towards the commercial importance of Greece. She may, possibly, soon become the third naval Power in the world; and the wooden walls of Athens may be seen, ere long, floating upon every sea.

Another good effect from the success of the Greeks, will be the abolition of the base practice of polygamy. Woman, when she is allowed her proper rights and rank in society, and when made the friend and intimate associate of man, heightens the tone of every virtue, and elevates the moral character. Her influence was felt, even in the schools of chivalry, where men were taught not to be dishonorable; which, in barbarous nations, supplied the place of civilization, and by which, in the language of Burke, vice lost half its evils, by losing its grossness. Gentlemen have undoubtedly perceived that the Greek women already begin to feel the high distinctions of which their sex is susceptible. The Roman matrons sacrificed their jewels for the common good; and females in other countries have nobly evinced their devotion to the public cause; but no other women have discovered such high-toned feeling and patriotism as the females of modern Greece.

Mr. Baylies said he was not disposed to think, with the gentleman who preceded him, that gratitude was a feeling to be slighted, even when we had to recur to antiquity for its objects. We owe a deep debt to ancient Greece, and we can pay it in no other way than by the aid we can furnish to her descendants. We owe to the ancients much of the character of our institutions. The Grecian republics were practically and theoretically free.

How much money is gleaned daily from the pockets of the rich and poor to encourage missions to the Choctaws, to the East Indies, to the Sandwich Islands, to Africa, and other places; and what a matter of rejoicing is the doubtful conversion of a poor Indian considered? If a small portion of the money thus collected could be applied to this purpose, of much less doubtful merit, it would render the most essential service to the Greeks, and we might soon see them a happy people, possessing a free constitution.

If America should be the first to show her sympathy with the sufferings, and her wishes for the success, of this high-minded and injured people, she would insure to herself the love and the gratitude of the wise, the good, and the brave of every country and of every age.

On motion of Mr. Cook, of Illinois, the Committee then rose, reported progress, and obtained leave to sit again.

Thursday, January 22.

Mr. Rankin, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land," reported the same without amendment, and it was committed to a Committee of the Whole.

On motion of Mr. Cocke, the committee on so much of the public accounts and expenditures as relates to the Department of the Navy, were instructed to inquire and report, specially, touching the contingent expenses in the Navy Department, in the year 1817, 1818, 1819, 1820, 1821, 1822, and 1823, designating the objects of expenditure in each year, separately, and to whom paid.

Mr. Cocke supported the resolution by stating, that, from an examination of the acts providing for expenditures in the Navy Department, from $220,000 to $230,000 was appropriated to the head of contingencies, besides the appropriations for specific objects. There was now before the House a proposal to increase our Navy by the erection of ten additional sloops of war; and, if that should be adopted, and the contingent expenses increased in proportion, he did not know where we were likely to stop. The object of his resolution was to direct the Committee on Expenditures in that Department to look back and see what had been appropriated since 1817. He regretted that the officer who lately presided in that Department is no longer at its head; but it was a consolation that we have at the head of it an officer whose duty it is to look after this expenditure. While he was up, with a view to save the necessity of a farther resolution, he would invite the chairman of the committee to look also into the pay of the officers. He believed that such officers as were not on duty now receive one-half of their regular pay; he thought this was not enough, but he also understood that an arrangement is practised, by which the law on this subject is virtually evaded. Both subjects certainly invited and demanded inquiry.

The SPEAKER laid before the the House a letter from the Secretary of the Navy transmitting a list of the officers of the Navy of the United States, denoting the periods of their admission into the public service, the dates of their present commissions, and the time of their actual service at sea, since the 1st January, 1815; prepared in obedience to a resolution of this House, on the 16th of December ultimo; which letter and list were ordered to lie on the table.

THE GREEK CAUSE.

On motion of Mr. WEBSTER, the House went into Committee of the Whole on the state of the Union on the Greek resolution.

Mr. COOK, having the privilege of the floor, (having moved last evening that the Committee rise,) addressed the House in a speech, of which the following is the outline:

Mr. COOK said, he was quite sure that the knowledge he was to occupy the floor at this time had not excited much expectation; and he felt as sure that he was incapable of meeting, in any great degree, whatever of it might have been produced. From the course of argument pursued in relation to the resolution before the House, it seemed to be understood as a proposition fraught with the dangers of war, and calculated to involve us in difficulties with the Governments of the European world; after such views had been taken of it, it was not unreasonable for even the humblest member of the House to assign the reasons which induced him to be in favor of the measure.

He must state, in the outset, that on this subject he entirely differed in opinion from the gentleman from South Carolina; and was, therefore, opposed to the amendment he had proposed. What, in effect, was the amount of the measure proposed by that amendment? A strong and ardent wish for the success of the Greeks in obtaining the blessings of a free government. But, Mr. Chairman, is it possible, (asked Mr. C.,) that at this time of day, after our blood has run like water in that cause, that it is necessary to pass a formal resolution, to inform the world that we sympathize with a nation engaged in the same struggle through which we have so successfully passed? Do not our free institutions, do not the spirit and genius of our Government, does not our whole history and our whole national condition and character, proclaim this daily? Sir, our Chief Magistrate, in his Message, has made the declaration already, and he has therein spoken the sentiments of the whole American people. This is enough; as to a mere declaration of opinions and feelings, it is useless to go further. He preferred the resolution to the amendment. In giving his reasons for this preference, Mr. C. stated, that the President, in his Message, had informed the House, that, "from the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them." That Greece will become again an independent nation, that she may obtain that rank, (adds the President,) is the object of our most ardent wishes. Here, said Mr. C., we are presented with the facts of the case—they are separated forever from their barbarian oppressors, and they have a separate government of their own. The question then recurs, whether, when such a people have attained such a measure of success and independence, we, the American people, shall look on the sight with cold indifference, or whether we shall not hail them with joy? Whether we shall sit still and hold no intercourse with them, or whether we shall prepare to give some demonstration of a wish for amicable relations with them? Sir, setting aside all commercial calculations on one side, if we had not now, and never should have a single dollar's worth of commerce with their shore, the love of freedom is itself inducement enough for us to meet them with smiles and a cheering expression of our good will. But, sir, turn to the communications laid upon your table: what says our Secretary of State to the organ of this newly established government, (Mr. Luriottis?) "It will give us pleasure to learn, from time to time, the actual state of their cause, political and military." And how, sir, are we to learn this? Through newspaper articles, of doubtful authority, and distorted, according to the views or interests of the hands through which they pass? Surely not. If such information be desirable and necessary, the resolution before you provides a direct mode by which it may be obtained. It provides for the sending to that country an intelligent and respectable man, who, whether he sustain an official character or not, may possess opportunities to obtain the most authentic information of all that relates to her situation and progress. The Secretary of State, in his letter to our Minister at London, speaking of Greece, says, "the public accounts from that quarter have been, of late, very scanty; and we shall be glad to obtain any authentic particulars which may come to your knowledge." This statement, sir, is official; the resolution proposes a mode of meeting and supplying the desideratum thus officially acknowledged, and it does nothing more.

We have been told, sir, by the gentleman from New York, that this resolution is premature; that Greece is not yet in a situation to render such a measure expedient. But, sir, that gentleman's argument, and others on the same side, seem to take it for granted that the resolution aims at a coalition—an alliance. Sir, if that were the case, the resolution would indeed be at present premature; and, what is more, sir, it will at all future times be equally premature; to seek foreign alliances will never be the true policy of this Government. But no such thing is in the resolution, nor is intended by its friends. Its utmost scope is diplomatic intercourse. The Greeks, as has been already insisted on, have succeeded in separating themselves from the Turkish empire; and though no Government has yet ventured to acknowledge their independence, it is no reason that we may not see fit to do so. When we acknowledged that of the South American provinces, no Government had acknowledged it before us. No, sir, the resolution is not premature. Look at the doctrine laid down for eternal ages by these United States in '76. It is the doctrine of true freedom—the doctrine of the God of nature himself. [Here Mr. C. quoted the preamble to the Declaration of Independence.] This, sir, is the doctrine which is the last hope and refuge of men, and which is destined ultimately to redeem Asia, Europe, and Africa, from their yoke of bondage. These are the principles whence has sprung, and will continue to proceed, the intellectual, moral, and social improvement of our race. On these principles Greece has dared to act; she has broken her chains, and set up for herself a free Government; in recognising that Government, we break no international law. Sir, these principles, to use the language of an eloquent statesman, are not the manufacture of the people of the United States; they are principles which have come down from the earliest periods of human existence. [Here Mr. C. read a quotation from an oration of the honorable John Quincy Adams.] If these immortal truths are to be admitted, then surely the Greeks have done only what they had a right, both moral and political, to do.

But, Mr. C. said, he was willing to argue the propriety of the resolution on another ground—on the ground of the Constitutional power and duty of Congress to regulate foreign commerce. It was a part of this superintending and fostering duty towards the commercial interests of the Union to send agents into foreign countries to obtain information and to facilitate the arrangements of trade. Suppose, instead of being what it now is, our trade with Greece was of great and important extent—Would the political state of that country deprive us of the right to regulate and protect our commerce? Suppose half Europe was in a state of political convulsion—Are we to have no commercial relations with her, or agents to take care of those relations? Must our commerce languish or be cut off whenever the States of Europe choose to quarrel with each other? Yet that is the scope of the argument. Surely, gentlemen who avow such hostility to internal improvements, will not advocate an argument which goes to paralyze the interest so dear to them—the commercial interest of these States! But if we may, without just cause of offence to other nations, protect and regulate our commerce, then, without such offence, we may send an agent to Greece.

But we are told the practical result of such a measure will be to embroil us with the European Governments; to involve us in the dissensions and contests of the multifarious jugglers of the corruptions of the Old World. But how is this shown? Has not England (herself a member, at least to a certain extent, of the Holy Alliance) sent commercial agents to South America? sent them long ago, though the independence of those Governments is still disputed by the mother country? Is this policy of Britain an infraction of the law of nations? Has any Court complained of it? Have any Cabinets protested against it? Has this involved or embroiled her with any of her neighbors? No, sir; nor is such the object, nor will such be the effect of the measure now before you; it aims merely at obtaining such authentic intelligence of the progress of the Greek cause as will enable us to judge when it will be expedient to stretch out our hand, and welcome her as a sister, into the fraternity of Republics.

The interests at present involved in the resolution, are, in my view, as nothing; the principle of the resolution, to me, is every thing. I do maintain, sir, that we have a right, without offending any Power on earth, to maintain official intercourse with any Government holding, *de facto*, exclusive power over its own territory; if not, we have no right to protect our commerce, and we do so by mere sufferance of others. But Greece does, at this day, exercise exclusive power over her own soil; and, therefore, we have a right to open, and to keep open, diplomatic intercourse (unquestionably commercial agency) with her. And, having the right, sir, it is our duty to act with some degree of generous feeling towards a people like this, struggling victoriously for the dearest rights of men. If we refuse it, I fear, sir, the world will think our practice at war with our professions; that we are wanting in generous and manly feeling for our fellow freemen. The gentleman from Massachusetts, (Mr. Baylies,) who last addressed you, (whose praise it is not for me to sound in this House, where its feebleness would but be lost on its object,) has truly represented the character of this Government; it is established by the hands of freemen, to protect person and property; nor is the exercise of that protection to be chained to our soil, or restricted within any bounds of territorial limitation. Wherever Americans go forth, throughout earth or sea, the mantle of their Government is over them, to protect them and theirs. They have the same right to be protected in the Archipelago as in our own harbors. Sir, before the manly, the enlightened spirit of this Government, and this age, the slave trade, that reproach on our race, has been nearly abolished. Yes, sir, the noble, intrepid spirit displayed on that subject, by this Government, has done much towards effecting this great triumph of justice and humanity. Your Executive Magistrate has told you that, within the year, our flag has not been dishonored by a single act of participation in that accursed traffic, and he has proposed to this Congress to declare it piracy. Sir, this is noble; but shall we take the wretched slave out of the hand of his pirate master, shall we knock off the chains from his limbs, shall we then seize his spoiler and hang him at the yard arm; and yet, when a land like Greece, with all her claims on the gratitude of mankind, is trampled on by the worst of all pirates and spoilers; when her people, in thousands, are captured, carried off, and slain, and such enormities are practised on them as led the official organ of the Russian Government to declare there was sufficient ground for all Europe to combine in their defence, we must not even express an emotion of sympathy for them! We pity the captive African, and call the man that stole him a pirate; shall we not pity the suffering Greek, stolen, sold, and then butchered by the most ruthless of all oppressors? Shall he have no share, not a little share, in our expressions of compassion? In like manner, the bold spirit of this Government has set its face against the practice of privateering, and the President is now engaged in negotiation on that subject, with happy prospects of success. Why shall we be backward in this one cause of humanity while so prompt in every other?

Independent nations, as such, are strictly equal; if Greece has a separate and regularly organized Government, we have a right to treat her as an equal; or, if, as is beyond all doubt, she will consummate her freedom, can there be any harm in being prepared to meet, and to welcome her when free?

But the gentleman from South Carolina objects to the resolution, as having the aspect of pressing or hurrying the Executive into a measure of perhaps a hostile, at least an impolitic character. Sir, I for one, have more confidence in the wisdom, the sound discretion, of that officer, than to suppose that he can be hurried, by any resolution we may pass on the subject, into a measure that is against his judgment.

But on this point, sir, if the gentleman will but take a short retrospect, he will find on your journals, three years ago, a much stronger resolution, in the case of the South American Colonies. In that resolution this House pledged itself to support him in the proper measures for acknowledging the independence of those Governments. Yet, sir, the President did not act; he waited till what he believed was the ripe and proper time. He will do so, if you pass this resolution. He was not carried away, by what was then called the Quixotism of the House. The manly, noble step of acknowledging those Governments, was not taken till the facts in their condition sanctioned the belief that they were in a mature state for recognition. I voted then against the resolution. I thought it, myself, premature. I knew that we had no commercial treaty with Spain, and that the treaty for the cession of the Floridas was not ratified. I feared the influence of the measure on the success of our negotiations; but, sir, the issue showed that those fears were groundless. The Spanish Government did, indeed, demand, that the refusal to acknowledge her colonies should be a *sine qua non* in the treaty. The demand was promptly and indignantly rejected, and the treaty was concluded and ratified notwithstanding.

He would not enter into an examination of the doctrines of the Holy Alliance. It had already been done, with consummate ability, by the gentleman from Massachusetts. He coincided in the views which had been given of that combination —conspiracy, rather let him call it—against the liberties of mankind; but he could not perceive that the mission of an agent to Greece could give any just cause of offence to either of its members; nor did he think it comported with the dignity of this Government, when consulting about a measure of our own policy, to be calculating the probabilities and possibilities of the umbrage that might be taken at it by some member of the Holy Alliance.

Mr. **BARTLETT**, of New Hampshire, said, that the subject before the Committee had called him to the severest trial of the impulse of feeling, and the more solemn dictate of duty. Nothing but the painful result to which a deliberate consideration of the question had brought him, could have induced him to make this an exception to the good resolution he had formed, not to demand more time for the expression or explanation of his opinion, than should be necessary to answer in a single monosyllable to the call of the Clerk. And I rise, said Mr. B., at this time, not to make a speech. If there were no other obstacle, the topics are all on the other side of the House, and the inducements too. There are no Grecian wreaths—no ready penned votes of thanks—for those who may feel compelled by a sense of duty to stem the torrent of popular excitement.

I am aware, said he, that the resolution before you is one touching a country, at the very mention of which all the proudest associations of human nature are at once revived—associations co-extensive with the limits of civilized society. At the name of Greece the artist forgets the more than two thousand years that separate him from his masters, and he hails it as the land of his nativity. The scholar hourly converses with their mighty dead; and the soldier talks of their deeds of valor and heroism, as the achievements of his compatriots. It is a resolution, too, in relation to a struggle for Liberty—a word that has enchantment in itself. Liberty! to which that statue shows, as well our almost idolatry, as the source whence we derive the power to give the goddess a local habitation. Liberty! for which our kindred have bled; in defence of which there are, in this Hall, those who bear marks of the weapons of her enemies. This struggle, too, is by those of our common Christian faith, against tyrants, barbarians, murderers! It is a resolution, the subject of which has excited the sympathies of the whole nation— of all nations capable of sympathy. Our Legislatures are daily sending us pledges of their feelings. Societies are formed to aid the Greeks. Individuals are pouring out their treasures. Humanity is literally in tears at the recital of their sufferings. And there is, said Mr. B., in relation to this subject, an influence upon me, connected with the distinguished individual who moved this resolution, that I have neither the inclination nor power wholly to resist. While it has been urged upon us with a force which shows that eloquence expired not with the renowned orators of ancient Greece, we have listened with pleasure—with pride—for the American character; a pride more cherished by me, as the claim of New Hampshire—dearer still, as my own native village. Though such is the resolution, under such circumstances, and thus urged upon us, yet must I vote against it.

In voting against this resolution, shall I assent to be charged with forgetfulness of the debt which we, which the world, owe to the ancient seat of science and the arts—with want of ardor, of zeal, in the cause of freedom—with indifference to the sufferings of the oppressed—forbearance, tolerance, to the accursed cruelties of their oppressors? Disregard of the feeling of the nation—the sympathies of humanity? With coldness to the animated, ardent, and eloquent appeal in their behalf? No, never! Nor from such vote should it be inferred that I am enamoured of the faith, doctrine, or practice, of the Holy Alliance. On that point, said Mr. B., I can boast of no new light—no recent or sudden conversion. When the "august contracting parties," in '15, published that league which has received such severe and just animadversion from the honorable mover of this resolution; when our churches were profaned—Christianity outraged with *te deums* in honor of the "Magnanimous Sovereigns"—the mighty deliverers—the patrons of peace societies—I had no voice for the song. Yet, the Holy Alliance is not without its instruction to the world. It affords, at least, the lesson of the infernals. When good purposes scarce produce an union of effort, it should be, it is—

> "Shame to men, while devil, with devil damn'd,
> Firm concord holds."

But what is our ground of complaint against the Holy Alliance? It is not that they are forging new chains for their own enslaved, degraded subjects. It is, that they claim to interfere with the governments of other Powers. Against this we protest—this is our principle—this, said the honorable gentleman from Massachusetts, is the American question. Keeping this principle, then, in view, let us for a moment more particularly examine the character, object, and consequences, of this resolution. As to its character, its opponents cannot differ more widely than have its friends. By the honorable Speaker, it was represented as the unpretending, inoffensive expression of good feeling and good nature—as contemplating a dove-like embassy, that was to bring us nothing but emblems of peace, evidences that the tide of civil war in the East had abated from all the face of the earth; while other of its advocates have given to it a supernatural efficacy: it was to be to the enemies of Greece more terrible than an army with banners—to carry the Cross over the Crescent to the heart of the Ottoman empire—to be a flaming sword to guard the pass of that terrestrial paradise, from which these angelic Greeks have thrust the infidel offender. Yes, more! It was to prove the very desideratum of Archimedes, the fulcrum by which we are to move the world.

Were this the resolution of a convivial club, or even of a parish meeting, it might not deserve a character more important than first given it; but, as the act of the National Legislature, although I have no faith in its doing the miracles imputed to it, still it assumes an importance in relation to its operation upon ourselves. We cannot assert a doctrine on this subject to-day, and to-morrow reverse it. This resolution is not to be passed, and to pass into forgetfulness, with the momentary excitement, that may have given it rise. It becomes the record of your nation—and, so far as it be necessary to be used against us, it is the property of all nations. So far, then, as it may change our principle or policy in our intercourse with foreign nations, it is second in importance to no measure in the power of the Legislature to adopt.

What are the reasons for adopting it? The object of this resolution? By the gentleman from Illinois, who has just resumed his seat, it is urged upon us for the purpose of obtaining information of the state of Greece. Is that the only object? If so, it is totally unnecessary. The President now has all the power necessary—and, it is to be hoped, the discretion how to use it. But the honorable gentleman who moved the resolution most distinctly disclaimed that as the principal motive or object of it. The opinion, the declaration of this House for Greece, was wanted. It was that which was to give vitality—to give importance, to the measure. As such, then, it is intended as encouragement, as aid—a pledge, a promise to Greece: or it is a mere ceremony—form—"words, mere words."

As most respectful to its advocates, we are bound to give it a meaning and intent. It is, then, intended as encouragement, aid, or pledge of aid, to the Greeks. Where, then, is our principle? the American question? What is our complaint of the Holy Alliance? What right have we to interfere with the internal concerns of the Government of Turkey? Who are these modern Greeks? Whether they, or their enemies, are more or less Christian than the savages of this country, whom we are every day driving into the Pacific, alters not our political rights in relation to them. They are, and have been for four hundred years, the subjects of the Ottoman Sovereign; and he is their legitimate sovereign, if any potentate of Europe can claim that title. These subjects are in rebellion, and we propose to aid them.

Suppose that a certain part of the population of the United States should attempt to take the government, by force, into their own hands—and they have not been four hundred years under their masters—should the sovereign of Hayti send "an agent or commissioner" to encourage them—and we cannot deny he has a right to feel for them as much sympathy as we do for the Greeks—should we take it kindly? Would we not expound the law to him, and, if necessary to convince him of his error, resort to the *ultima ratio regum?* But, if we pass this, and another extraordinary resolution on your table, do we not at once furnish an authority against ourselves? Is not our principle abandoned?

But what particular motive have we for this measure? If we are to set up as the deliverers of the world, the champions of nations, are there no other objects of our solicitude? Is there no slavery, no misery; no call for our benevolence, our charity, our sympathy, on any other spot of earth? Not to enumerate instances, can we have forgotten that which is now history, and which, within the last ninety days, was passing before us? We have seen the most chivalric, the most gallant nation on earth, trodden under foot by an invading army, for asserting the right to choose its form of Government. We have seen her fields smoking with the blood of her citizens; we have seen her patriots and heroes fighting to the last trench, and making that their grave, for their own rights as citizens and men—and we have looked calmly on. The tortures of the Inquisition had no horrors for us. Did our indifference result from the circumstance that the subjugation of the liberties of Spain had the countenance of His Most Christian Majesty? or, was it because the foe was more formidable? No; we despise to do that against the most contemptible sachem, that we would not dare to the very beards of all the allied Sovereigns. It was our *principle* that restrained us. But this measure is pressed upon us as a response to the sentiments of the President, as called for by his Message. The doctrine that we are bound to respond to them is better fitted to that Government which is now the theme of so much reproach than to this House. His opinions are entitled to respect as the opinions of an experienced statesman, but as *authority* we are not *bound* even by the solemn, and surely, not by less deliberate opinions of any man.

If we seriously propose taking the Ottoman sovereignty in hand, what are our hopes of success to establish a free Government in Greece? The advocates of the measure have assured us, that the condition of the Greeks is, and for centuries has been, that of the most abject slavery; that they hold even life itself at the pleasure of their tyrants—and are such the materials with which to erect and support a Government of any sort? The moment the external pressure of the common enemy is removed, scenes of anarchy and horror will be witnessed, that may, if possible, exceed even those already exhibited.

Should they even be found capable of government, is it to be supposed that the Holy Alliance will suffer such example on their very borders? The question is already answered by the gentleman from Massachusetts. He informs you they have declared that they do not will it. Do we doubt their power? They have but to lift a finger, and the Greeks perish; with a breath they can remove them as a nation from the face of the earth.

But if this resolution cannot effect all its objects, its consequences may not be unimportant to ourselves. Is it to accomplish such wonders for the Greeks as its advocates suggest; and is the Ottoman not to discover its operation? Are the Barbary Powers so much better disciplined by peace societies, that they would not resent what we should deem good cause of war? And are we to rely for impunity upon their moderation, forbearance—their meek and forgiving temper? We shall find our commerce at once swept from the Mediterranean—our citizens in chains, or their heads upon the gate post of the palace yard. We are at war. Are we prepared for such event? When our property is captured, and the Turkish scimetar is dyed in American blood, where then will be your Greek committees—your Greek dancers? You may then pipe in vain for them to dance. Where then will be your volunteer pilgrims to the tomb of Leonidas and Socrates? They will prefer the domestic fireside to any *tomb*, ancient or modern, to be found in the Ottoman Empire. We ought not to refuse instruction from the experience of the late war. It was a war in defence of our own rights—for the liberties of our own captive citizens. And yet, is this to be so much more holy and righteous, that our pulpits shall not again resound with the cry of murder?

But such apprehensions, we are told, are the mere vagaries of the imagination. Human nature has not changed, and "the thing that has been, shall be."

It has, however, been said that whatever we now do will be no new provocation, and if Turkey be set upon war, cause already exists. And we are referred to the letter of the Secretary of State for proof. Greece calls upon us for aid, for support, because contending for liberty. The Secretary answers that Government can give no aid or support; that our policy and our principle has been, is, and must continue to be, not to interfere in any way in such contests. And can this letter be quoted as a war measure against Turkey, or an argument to support this resolution?

Such, it is believed, are the inevitable consequences of the resolution, if it mean what we have supposed—aid or encouragement to the Greeks. This is to be answered only by saying, as have some of its advocates, that it means not so much—it means no such thing. Then it is mere form, and nugatory.

For what has been all this excitement? The Greeks call upon us for aid; supplicate us for their lives; and we send them—what? Ships, armies, money? No! an unmeaning resolution. Again and again, during this debate, we have been hurried into the thickest of the fight; led to the desolate hearths of the slaughtered; while hecatombs of their dead have been piled to the heavens before us; that we may insult the miseries of the living, by an unmeaning resolution. And is this being noble, generous, gallant?

If for nothing else, we are told it is proper as a mere expression of our sympathy. And is this necessary to give it an existence? Can our sympathy be sustained only by force of law; and has it no efficacy but by virtue of the enacting clause, *Be it resolved*, or *Be it enacted*?

The severe remarks of the gentleman from Massachusetts, upon stipulating by treaty, to do what all the laws of God and man required without, appear to me not inapplicable to such a measure. But I deprecate such a system of legislation; I deprecate such a mode of aiding friends, or annoying enemies. We are too justly reproached already for our wordy valor; too deservedly nicknamed a logocracy. If a nation insult us, we send a proclamation! If an enemy is to be vanquished, or a province captured, we send a proclamation! If our Capitol is attacked, we run for our lives, but we send back a proclamation! Enough already, more than enough, have we had of this.

As legislators, we must resist the impulse of feeling. I know this is called "cold-hearted, pence-calculating policy." These are easy epithets; and must pass as substitutes for reason, for argument, if nothing better can be offered. While a disregard of consequences is termed generous, noble, glorious. The word glory is the death-watch of this Republic; and the oftener we shall hear it repeated in this hall, are we reminded of our doom.

If this Government has done a foolish or ridiculous act, it has been for glory. We levy taxes, incur debts, seek adventures, fight battles, disregard consequences, we perish for glory. This is all consistent enough with the principles of the distinguished knight, who has been introduced in this discussion; but it may not be our duty to run a tilt against every windmill, merely to show how gallantly we can break a lance.

If we can find no subject of practical utility to legislate upon, let us listen once more to our long supplicating fellow-citizen, Captain Symmes; or, if his path be not lofty enough, and gentlemen would prefer the bottom of the Mediterranean to his bottomless region, then let us mount the flying machine, which occupied our deliberations on a former occasion, and "wing our way" at once to glory and renown. But, said Mr. B. I mean not to trifle on this subject.

The resolution is not necessary for information. If it is intended for aid, or encouragement, it is against our principle, and fraught with fearful consequences. If it is not for aid or encouragement, it is nugatory.

In either view I must vote against it.

Mr. Farrelly then rose; but we regret that, owing to his distant situation from our reporter's seat, we lost the introductory remarks of his speech, and heard the residue but imperfectly.

We understood Mr. Farrelly to say, that he rejoiced that the time was come, when something should at length be done, expressive of the gratitude due from the civilized world to Greece, for her philosophic principles—her republican forms of government—her classic language, and the inspiring example of her heroic valor. Yet, if he thought that the resolution before the House was about to issue in an improper interference with the policy of other nations, or a rupture of the peace of this, he would be the last to vote for its adoption. But, according to his views of national policy, there was nothing in this measure to produce such consequences. He could not see that it was any departure from the uniform steady course of this Government, on the subject of recognising other Governments. The rule hitherto pursued, if he understood it, was to inquire simply what was the Government *de facto*, (throwing away all *de jure* questions,) and to acknowledge that Government as soon as its existence was duly certified. This plain and wise rule of policy had never, hitherto, embroiled us with any of the European nations, or their Governments. Without regarding the doctrines of legitimacy, we send public agents to Governments of every character. In France, we had accredited agents near her Government, under its republican, under its consular, under its regal, and under its imperial form, and yet no umbrage was taken—no evil consequences ensued. So, when Spain was aiming at a revolution, we sent a Minister to her Cortes, although the legitimate Government was espoused and supported by the Holy Alliance, and yet no threats were either issued or executed against us. The gentleman from New York had said, (and he was followed by the gentleman from New Hampshire,) that, to send an Envoy to Greece would be encouraging rebellion, and an infraction of the law of nations. But, was it so held, when we sent to the Cortes? In all the convulsions of other Governments, our diplomatic intercourse has remained without interruption. It had, to be sure, been never our policy to enter into their contests, but, only when those contests developed a new Government, then to acknowledge it. The resolution on the table fell far short of that which was passed in the case of South America. How could it be a war measure? Did we not send Ministers or other public agents to Spain, to Portugal, to the Netherlands, when they were struggling against their former Governments? Why not to Greece? But this resolution does not even do this, and when compared with the length we went on the South American question, it fell almost an interminable distance behind it. When we sent to Spain, did Russia, did Austria, draw the sword? Was our commerce interdicted? Were our agents insulted? Did any of those formidable dangers result, which have now been set in such awful review before the House? It must be remembered in the case of Spain (and he insisted on this case because it was a strong one, and had an immediate bearing on the main question of the policy of the measure,) that it was the Holy Alliance that urged France to crush the attempt at revolution under the Cortes; and that, in that case, we did not pass a bare resolution expressive of our good wishes, but we acknowledged the Cortes, and sent a Minister. That, so decided was the part of that Alliance against that Government, that they not merely expressed their sentiments, but embarked a force to back them; yet no rupture took place with us, or any thing that bore the semblance of one. But, in the case of Greece, the Holy Alliance embarked no force against her—nay, at one time, seemed rather in her favor; and yet here we do not propose to recognise—we do not propose to send a Minister. Gentlemen seem to think that Turkey has her eye upon us, and will watch our movements with jealousy. On that subject he had a fact for gentlemen: when our first frigate, but a few years since, entered the Dardanelles, it surpassed the wisdom of the whole Divan to tell where the country was from which she came. So much for their acquaintance with the policy of this Government.

The gentleman from New Hampshire says that the Greeks have been for four hundred years slaves to the Ottoman Porte, are the subjects of that Government by prescriptive right, and that they are now in rebellion against their own Government. Is that the case? And does the gentleman found an argument on this ground? Sir, it proves, if any thing, too much; if it is good for any thing, it proves that we are not only not now, but not at any future time, to recognise the Greeks, if they get ever so free and ever so powerful; for they will always be viewed by the Porte as rebels; the prescriptive right to domineer over them will never be surrendered; by the European code of policy a subject can never change his allegiance; and so, no new Government that succeeds in resisting tyranny must ever be acknowledged by the United States. Sir, how would this redoubted argument have borne on our own Revolution? who would have been allowed to acknowledge us, Mr. Chairman?

The President tells you the Greeks are gone, forever gone, out of the hand of the Turk; may we not even notice them?

The measure has been well advocated as a means of gaining authentic intelligence. Our information respecting this interesting people is exceedingly imperfect—it consists of little more than casual floating rumors from the Mediterranean—(there are there no mails, as in the United States.) It is a maritime country, and it is important to our commercial interests that we should have some certain intelligence.

He believed that, with the exception of Patras, Coron, and Modon, the whole Peninsula is free—thus are insignificant specks on the map of Greece to be made the ground of denying that the Greeks have won the sovereignty of their own soil.

But it is asked, what rule are we to follow? are we to go abroad seeking adventures? No, sir; we are to follow the same rule we have followed all along. No doubt Spain will soon be trying to recover her colonies; are we to abstain from acknowledging or keeping up our intercourse with them for fear of the Holy Alliance? Sir, I assert, without fear of being proved a false prophet, that you will see England acknowledge the independence of those Governments, and establish commercial relations with them. When gentlemen tell us that we may not send an agent to a country in a state of revolution, they mistake our conforming to the effect of a rebellion, and furnishing a motive to rebellion. We are not sending an agent to Greece, to excite her to begin a rebellion against the Turk; that is begun already, and more than half finished too, sir. For one, I believe they are able to maintain their independence, and will maintain it; they will not forget their ancestors. And, as a confirmation of this opinion, I pray you, sir, to look at the last news from there. The coincidence of their modern and their ancient spirit is striking indeed. Sir, the self-same act has now been performed in Attica, that was done two thousand five hundred years ago—the inhabitants of Athens have all migrated to Salamis, to avoid subjugation.

For myself, sir, said Mr. F., in conclusion, I cannot perceive any necessity for making, at this time, a bill of rights—as long as the Holy Alliance leave us alone, we need not call them to account for their principles. It will be time enough to do that when they threaten or attack us. If, indeed, they send here, as they sent to Switzerland, a public agent to stop our press; if they make official declarations against the forms or nature of our Government; if they insist that our Presidential term is too short; that our elective franchise is too extensive, or this House too great in number, or too popular in its character, then, sir, it will be the time to make declarations, and set up principles, and act upon them too, sir. If they require us to expel from our shores every foreigner who has been the victim of their persecutions, and if force is brought to maintain the wrong, then, sir, will be the time to collect our strength, to call up our courage, to array our armies—to send forth our navies; and, if we prove too weak for the struggle, then, sir, will be the time to die, with the words of the old Roman in our mouths, *victrix placuit causa diis, sed victa Catoni.*

Mr. **Rankin**, of Mississippi, said, he was pleased when he heard the gentleman from Massachusetts declare, that he should support his resolution upon the grounds of reason and argument, and not by mere appeals to the feelings. The individual who conducts his private affairs according to the dictates of passion, always conducts them erroneously; and so, in regard to public and political business, the ebullitions of passion were calculated to involve the concerns of a nation in ruin. Gentlemen who feel such a strong sentiment in favor of assisting the Greeks, might go to the post office, and satisfy their sympathy, in remitting their dollars and cents for that purpose.

The gentleman had declared, that the principle contained in his resolution was opposed to the policy of the Holy Alliance; and that society had arrived at that point, when the power of public opinion was predominant over every other power. Mr. R. said, he had searched this subject to find, if he could, what effect it would have in favor of the Greeks. It is merely a cold and calculating proposition. It provides, that when the President should think fit to send an agent among the Greeks, the money shall be appropriated for the purpose. Is there any thing in this, expressive of an opinion in support of the Greeks, and adverse to the principles laid down by the Holy Alliance? But, admitting it goes so far—is it contended that it will have the effect to induce that Alliance to abandon one of its principles of action? Could they ever be induced to surrender those principles? Would the shipwrecked mariner ever quit his hold upon the plank which kept him from sinking? When the Holy Alliance was first established, the principles of liberty were fast pervading the people of Europe—and it was established to prop their tottering thrones. They cannot abandon those measures by which they retain their existence. Let us see what effect this proposition will have upon the Greeks. If they have determined to maintain themselves free, and to apply their whole force to this purpose, this measure, which is proposed to the House, will do them no good. And is it not probable that it may lead the other Powers to crush the Greeks at once; while we are not near enough to render them any assistance? And will the arbitrary Power of Turkey understand the difference between a simple agent, and a Minister? They may consider it as amounting to a declaration of war; and the individual who is sent out, as the agent, might fall into their hands, and be assassinated—and every American citizen who comes within their reach may suffer the same fate. From the want of discrimination, in respect to the character of our agent, on the part of the Turks, the utmost distress may come upon our commerce, in that part of the world; and we are asked to involve ourselves in these difficulties, for the sake of a measure, which will, in reality, do the Greeks no good. It would be a departure, too, from the policy of all nations. So soon as they were believed to be independent, it would be proper to send an agent; and when their independence was known to be established, it might be recognised. Until then, no act should be done, on the part of our Government; otherwise, the utmost anarchy might be introduced into our national concerns. The present resolution was in opposition to what had hitherto been the policy of the Government. With South America, whose situation was much more important to us than that of Greece, we had pursued a different course. When the South American States were understood, from other sources, to have achieved their independence, the President despatched messengers to ascertain the fact; and when their success was well established, their independence was acknowledged; and no other course ought to be pursued in this case. We should obtain our information without the hazard of a war. Are we to adopt a course, in relation to the European Governments, which we should not suffer them to pursue towards us? We surely ought not to interfere in their concerns, when we forbid their interference with ours.

The field which gentlemen had opened, in the course of this discussion, was unlimited; it would lead us into difficulties with half the inhabitants of the world. If we were to engage in wars against all the infidels upon earth, where power was held by them, we should always be engaged in crusades for the protection of holy land. Europe had been involved in the most ludicrous projects by this spirit of crusading. If we are bound to interfere always when the Greek Christian is in distress, why should we not render assistance to those who are suffering, not only the slavery of body, but of mind also? Our policy has always been, not to interfere in such cases. We should suffer Christianity to be disseminated by the power of its own mild and beneficent principles; it is not necessary to wage war in its behalf. If the expression of the opinion of this House is worth any thing, it should carry with it an irresistible weight. If the resolution should pass, only by a bare majority, would it be taken for a general public expression? It appeared evident, Mr. R. said, that it could not now pass unanimously; we have the opportunity of expressing our own private feelings of charity and of sympathy in the cause of the Greeks. The people have availed themselves of this opportunity in a proper manner; they have pursued an honorable course; they have furnished supplies in money, arms, and ammunition; and these contributions would have their influence in due time.

Mr. R. said, he had endeavored to show that this measure would be injurious to the Greeks, as it would turn the attention of the European Powers, to repress their attempts for freedom; that it would be injurious to ourselves, because it was stepping out of our common course of policy, and would involve us in difficulties; and that it was not necessary, until the Greeks should have obtained their independence. For these reasons he was opposed to the adoption of the resolution offered by the gentleman from Massachusetts, or the amendment proposed by the gentleman from South Carolina. Mr. R. thought the President competent to take such measures as circumstances might require. He hoped some course would be adopted, to avoid a direct decision on the question at the present time, as he believed such a decision would not produce any good. If it should involve the country in a war, how would members justify themselves to their constituents? What language would they address to the people? The people would say, that they alone had a right to act upon the subject, and they have exercised that right, in the best possible manner. With these views, he should oppose the resolution.

Mr. Houston was aware that he might be trespassing upon the patience of the House, in protracting this debate, as it was not the first or the second day of the discussion; but still he felt so deeply impressed with the importance of the subject, that he hoped every member, who wished it, would be allowed time to express his opinion. If he could see the evil consequences which gentlemen had anticipated from the adoption of this resolution, he certainly would not have risen to advocate it. But, as he did not perceive that such difficulties could result from it, and as he did not see its incompatibility with the policy of this or other nations, he was disposed to give his feeble aid to the subject. Some gentlemen seem to think, that, if we recognise the Greeks in the manner proposed by this resolution, it would have a tendency to stimulate the European Powers to hostility against them. He could not believe that, so far as this proposition goes, it could have any such effect. If it were the policy of the European nations to aid the Ottoman Power, they will pursue that course without reference to us. And can it be supposed that the passage of this resolution will bare another Turkish scimetar against the Greeks? No. The Greeks are struggling for their liberty, and the Turk is determined to exert all his power to prevent it, all the force of his empire is at his disposal, and it will all be turned to the subjection of the Greeks. All his resources will be directed against that devoted people. They have determined to stand up manfully, and perish before they submit. Let us, then, as far as we can, consistently with our relations with foreign nations, hail them as brethren, and cheer them in their struggle. The screams of this agonized and suffering people have reached us, and penetrated from one end of the continent to the other. So far as our policy will allow, let us encourage them. What sentiment has the President expressed upon this subject? Does he say that we should not interest ourselves for the Greeks? Does he not, rather, express the deepest solicitude concerning their affairs? Is there not a spontaneous feeling in their behalf among the people? And shall this House, which represents the people, be silent on the subject? and for fear of offending the crowned heads of Europe, shall we not act? We should not be disposed to regard them much. If they have determined to crush the Greeks, will they not do it in defiance of us? And we have little need to care for the Porte. Has he ever paid any regard to us? Has he ever rendered us any service as a nation? Does our flag protect our property upon the Bosphorus? Has not our commerce rather been protected by the Greeks? Will he, who has totally disregarded the laws of nations, care for any policy but his own? We can expect no justice from that quarter, but what we acquire from their fear.

Mr. H. said if he could believe that this resolution would bring war upon the country, he would be the last member to support it. No one could deprecate the horrors of war more than he did. He did not wish to provoke war with the Ottoman Power, nor with the crowned heads of Europe. If it was the policy of the other nations to oppose or support the power of the Porte, they would do it. The Allied Powers have sufficiently proved that they are not very solicitous to preserve the rights of other nations. The Chesapeake proclaimed to us that one of them was not more careful of those rights even than the Ottoman.

Are we to expect any advantage from not expressing our opinion? But it is declared that we should not enter into an alliance with the Greeks. Nor do we wish to do it; we wish to preserve our regard for the rights of other nations. It is said that this measure will be of no advantage to the Greeks. Mr. H. said he differed from this conclusion. It would be an advantage to show them that they are not an isolated people. It will be telling them that America, the freest and happiest country in the world, has heard of Greece, and sympathizes with her, in the midst of her misfortunes. It will be encouraging them to stand like freemen, and to fall, if they must fall, like men. And there is yet Grecian blood left to thrill with joy and quicken its circulation at this cheering reflection. Hearts that have bled for years, under oppression, will be touched with sympathy. It will tell to Greece, that, while the Holy Alliance is standing, with hands off, and the Porte is butchering her armies, her venerable sires, borne down by the weight of years, her matrons, her unviolated virgins, and helpless infants, it will tell her, by the declaration of Congress, that we regard her situation; and that, although our own policy interdicts us from acting in her behalf, yet we recognise her among the nations of the earth. Were we not the first to acknowledge the independence of South America? Did we wait till the Holy Alliance had authorized us to do that? Or did we extend a helping hand, like men, towards those States? Why may we not pursue the same policy now? The principle is the same. Principles remain unchanged and eternal. The distance of the people from us does not alter the principle.

If this resolution is adopted, the President will be left free to exercise his sound discretion on the subject. He will be able to compare and analyze the business, and to act as circumstances may require. The House is not about to say to him that he must despatch an agent to the Greeks to-morrow; but that he must use his judgment on the subject. If the resolution is rejected, it will seem like a want of confidence in the Executive. By his long experience he is amply entitled to this confidence; and we may rest assured that he will not exercise it inconsiderately, nor do any thing to involve the country in a war.

Then, if there is nothing hostile in the resolution, we may venture to give this authority to the President. Mr. H. said he entertained a high regard for the Greeks, and felt as much zeal in their cause as was consistent with the purposes of legislation. He wished that she should know that the American nation felt for her. He would not that this Government should send her munitions of war, for that would amount to an open act of aggression; but no such construction, he thought, could be put upon this resolution. The people of Greece had expressed a wish to alter their Government, and according to the fundamental principles of our institutions, they have a right to do it. If they rise, in their majesty, and determine to be free, will an American Congress say that they must wait for our acknowledgment of her independence until the Allied Powers have seen fit to acknowledge it? They will not be disposed to do it soon. It is this very dissemination of freedom that is planting thorns in their pillows. We can pursue principles of justice, independent of all their alliances.

We have been told that we should have a care how we look for glory—that glory is the death-watch of liberty. Mr. H. said he did not know how this remark was meant to be applied. If he understood what was the true meaning of glory, it was that noble attribute of man that appealed to the whole community to give force to heroism and patriotism. If that were the death-watch of liberty, he wished to hear it resound through the country. It was false glory that bade a man seek self-aggrandizement; and this description of glory was indeed to be dreaded.

Mr. H. apprehended no danger from the crowned heads of Europe, on the subject before the House. He considered it a very important expression of sympathy in favor of a people that held the strongest claims upon us. After the principle we had adopted, in regard to South America, he thought we could not be regardless of the cause of Greece. He did not expect an unanimous expression of this opinion; but, as it could be productive of no evil consequences, he hoped the resolution would pass the House.

The Committee then rose, on the motion of Mr. Cuthbert, who made the motion that he might deliver his sentiments to-morrow, with the deliberation which the subject calls for.

Friday, January 22.

Mr. McLane, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations for the support of Government, for the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, reported a bill making appropriations for the military service of the United States for the year 1824; [pay of the Army] which was read twice, and committed to a Committee of the whole House to which is committed the bill making appropriations for the support of Government.

Mr. Rich, from the Committee of Claims, made a report on the petition of Charles Humphrey, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Newton, from the Committee on Commerce, reported a bill to allow a salary to the collector of the port of entry for the district of Pensacola, and to abolish the office of surveyor; which was read twice, and committed to a Committee of the Whole.

Mr. Newton, from the same committee, reported a bill to abolish the office of Measurer; which was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, made an unfavorable report on the memorial of the General Assembly of the State of Indiana, on behalf of a company of rangers in the late war, under the command of Captain James Biggar; which report was ordered to lie on the table.

Ordered, That the Committee on Military Affairs be discharged from the consideration of the memorial of the officers engaged in the late war against the Seminole Indians, as, also, of the resolutions of the General Assembly of the State of Tennessee, on behalf of the said officers; and that the said memorial and resolutions be committed to the Committee of the whole House to which is committed the bill from the Senate explanatory of the act of the 14th of May, 1822, for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians.

On motion of Mr. Tomlinson, the Committee of Commerce were instructed to inquire into the expediency of repealing so much of "An act establishing Navy Hospitals," as separates the Navy Hospital Fund from the Marine Hospital Fund; and of providing that the amount which shall hereafter be deducted, by the Secretary of the Navy, from the pay of the officers, seamen, and marines, of the Navy of the United States, by virtue of "An act in addition to 'An act for the relief of sick and disabled seamen,'" shall be paid quarterly to the Secretary of the Treasury; and expended for the relief of sick and disabled seamen, in pursuance of the several acts making provision for sick seamen.

On motion of Mr. Condict, it was,

Resolved, That the Committee on Naval Affairs be instructed to inquire how far it may comport with the public good, to change the mode of compensation to navy officers, substituting a gross sum per annum, in lieu of all allowances now made.

Resolved, That the Committee on Military Affairs be instructed to inquire how far it may be expedient and proper to change the mode of payment to army officers, substituting a gross sum per annum, in lieu of such pay and emoluments as are now allowed.

Mr. Condict in supporting these resolutions observed that, as the officers of the Army and Navy are now compensated, their support consists partly of monthly pay, and partly of rations and other allowances. It was somewhat difficult, as things now stood, to ascertain exactly what each officer actually received; and, from information he had received on the subject, he was led to believe that, in some cases, they received more, while in others, they got less than was proper; and, also, that the compensation was not duly proportioned to the services rendered; as one striking instance of which, he said that, if he was correctly informed, a surgeon in our Navy, when at sea, in the full discharge of his duties, and exposed to all their dangers, received a compensation of eight hundred dollars, while the same officer, when on shore, and off duty, received, in salary and perquisites, about one thousand two hundred dollars. It was certainly worthy of inquiry, whether this mode of compensation had not better be changed to a gross sum by the year.

On motion of Mr. Conway, the Committee on Indian Affairs were instructed to inquire into the expediency of authorizing the President of the United States to purchase of the Indian tribes west of the State of Missouri and Territories of Arkansas and Michigan, as much territory as will be sufficient to give room for those tribes of Indians, within the present States and Territories, who may wish to migrate westwardly.

On motion of Mr. Conway, the Committee on the Public Lands were instructed to inquire into the expediency of reviving the law of the 25th of March, 1816, relating to settlers on the lands of the United States.

The Speaker laid before the House the following communications, viz:

A letter from the Secretary of War, transmitting a statement showing the expenditure of the money appropriated for the contingent expenses of the Military Establishment, for the year 1823; which was ordered to lie on the table;

A letter from the Secretary of the Treasury transmitting a statement showing the amount of money remaining to be paid by the purchasers of public lands prior to 1st July, 1820, designating the amount due for lands purchased in each State, made in obedience to a resolution of the 30th December ultimo; which was referred to the Committee of the whole House to which is committed the bill to provide for the speedy extinguishment of the debt due by purchasers of public lands prior to the 1st of July, 1820;

A letter from the Secretary of the Treasury transmitting information in relation to a robbery of the land office at Vandalia, in the State of Illinois; which was referred to the Committee on the Public Lands.

THE GREEK CAUSE.

The House then again resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

Mr. CUTHBERT, (who had, by the custom of the House, the right to the floor, having last evening moved that the Committee rise,) in introducing his remarks, observed something in relation to his state of bodily health, which we did not distinctly hear; but he said that, even if he could have supposed that any observations of his would have any weight with the House, he had the less reason to regret his state, either of body or mind, after the eloquent speech delivered by the gentleman from New Hampshire, (Mr. BARTLETT.) He believed there were few gentlemen present, yesterday, whose minds had not received a strong impression from that speech; he felt certain that it had a sensible influence on the opinion of this House, and, therefore, (being on this question of similar opinions to that gentleman,) he regretted the less any disability of his own.

He believed, in the first place, that it would be conceded by gentlemen on the other side, that this was a measure which had its origin, principally, in feeling. That a very strong popular excitement did exist at this moment on the subject, could not be denied; and how far the feelings of a virtuous, intelligent, and reflecting people, ought to influence their legislators, he should not undertake to determine; he did not, for a moment, suppose that a legislative body was the only assemblage of citizens who were competent to judge and determine a question of this kind. But there was a wide and important distinction between assemblages of the people, gathered together in masses without responsibility, and those who were bound by their office and their oath to deliberate with their calmest judgment, and whose decisions were to be followed with momentous consequences.

The people, gathered in large assemblies, feel a generous pride in expressing their warmest feelings. The noble glow of sympathy catches from heart to heart; the feeling rises with the numbers who partake in it, till each man feels his bosom swell with a big emotion, the result of the congregated feeling. But, sir, while such meetings are held, and such emotions experienced, do the people, sir, expect that you shall be governed, in solemn acts of legislation, by the resolutions they pass? Were you to yield yourselves to such a governance, you would betray the confidence reposed in you. Not that you have more wisdom than they, but that you are intrusted with the administration of their Government. They tell you that they love liberty—that they deplore the calamities and sufferings of the oppressed Greeks—that they rejoice and exult in all their triumphs. Well, sir, what is the conclusion? This: that if sound wisdom shall direct you to engage in any active measures on the subject, you have an ardent and an energetic people to back you. Ought you not to pause, Mr. Chairman, before you commit such a people, noble, gallant, generous, now enjoying unprecedented happiness, and in the full possession of all the blessings of peace, to all the privations, the untried horrors of war? To judge of your duty, select any individual who has been a member of one of these popular meetings, who has been the most enthusiastic of all who were present, and who there passed resolutions, couched in the most glowing language; select him from that meeting, (where he was without responsibility,) place him in the solitude of his chamber, tell him he must now act, and act under the whole responsibility of the happiness or the distress of his country—passion departs—he begins to pause, and to reflect, and he invokes, not passion, but wisdom, for his guide. It is thus that these very people expect and demand of you to act.

What does such a reflection naturally suggest to us? That we should make a comparison between our Government, and those under which this very nation of the Greeks once lived. Shall I be told that it is but the declamation of a school boy to talk of ancient Greece? I answer, that sentiment is worthy only of those enslaved countries where it is the fashion, because it is the interest of their oppressors, to cast every species of ridicule and sneer upon republican governments. Shall we, on this account, deny ourselves the solid benefit of the experience of other republics? Those who live under the monarchical governments of Europe are liable to be misled on this subject, by the cant of their writers—from the humblest journal of the day, to the largest and weightiest tome that engrosses the shelf of their libraries, all hold one language—a regular war is waged with the principles of free government; if we join in the adoption of such anti-republican sentiments, we aid this band of conspirators in the servile design of degrading and debasing the human family. No, sir. We are warranted in appealing for facts to aid us to the history of Greece—it is our duty to look carefully at that history. And what do we find, sir? that the Grecian Republics had all the soul and fire of liberty, but that they wanted intelligence, and a regular plan in its enjoyment and its preservation. Hence, we see them split up into contending factions; and so bitter were their mutual hatred and animosity, and so fierce the rage of their contests, that, in some instances, whole communities were destroyed, wars of annihilation were carried on between neighboring

States, and scenes occurred on the Grecian soil, over which freedom and humanity mingle their tears. But how, sir, is the case with us? Under an administration of mild and equal laws, we are at this hour in the enjoyment of the utmost practicable measure of personal liberty. We are blessed with profound peace, and the humblest and most timid man among us is in the full possession of absolute security in person and property.

Sir, this night every weak and shrinking female, every helpless infant in all this land, lies down in peace, and may sink into unbroken slumber, conscious of being safe from harm. To-morrow, every vigorous man, with robust limb, with active and enterprising mind, will be engaged with ardor in all that can advance his own and his country's prosperity, in all that enlightens and ennobles man. The sustaining energy of a free Government pervades the land, and raises and strengthens the character of all who inhabit it. In such a country, wars can never be waged for glory and empire. The most ambitious leader, who would persuade us into a war, must profess that it is a war for the right; he dare not even breathe the sentiment that it is undertaken only for glory. Surely, this reflection ought to prove to us a warning on an occasion like this; for, be it remembered, that, by all the acts in which it is engaged, this infant nation is stamping its character for future ages.

There is one question I would ask of this Committee—I would ask it emphatically. You owe to Greece a debt which you ought to repay in kind. Is it a debt for physical aid? Is it for any thing she ever did for us by physical force? No, sir; it is for moral aid; for the force of her example; it is for the spirit and sentiments of her writers, which have passed into our mind; it is for the lessons she has taught us in the love and the defence of freedom; it is for the warnings we have received from her misfortunes; for the spirit, in a word, that her works and her words have poured into our souls. What, then, is our proper, our best return? It is to raise her depressed children by the example of our free Government—a Government possessing some excellencies and advantages that hers never had, even in their brightest day. This is the example we are to set them, and not that of foreign wars. We are to show them the blessings of freedom, as reduced to a practical and a permanent form—to show them a people happy, and proud of the lot they enjoy.

How cautious, then, should we be that we do not, by bringing disaster on our hitherto happy experiment, blast the rising cause of freedom (check it, rather, for rise it will) throughout the world. Let us take care that we do not make our case a warning against free governments, instead of the strongest of arguments in their favor. And what, sir, is the process by which you are to spread the influence of your free principles and free institutions? Not by wars, but by a friendly intercourse with Europe, by writings, by personal conversation, and by the speeches of your statesmen. By means like these, the rapid contagion of enlightened principles will spread from land to land. Men easily imbibe right principles on politics, when once they are suggested to them. The plainest and the humblest peasant can be made to understand that men are born equal, and have equal rights; all he needs is to be convinced that these principles, so true and so plain in themselves, can be carried out into a practical government. The literati of Europe know this, and some of them spread the truth in their writings. Their statesmen know it, too, and some of these, too, recommend it. The honest common people acknowledge the truth, and long for its benefits. They have the demonstration of the truth brought to their very senses: they see and know our seamen, our merchants, and their families, and they know that there does exist a country that fosters in its bosom a free, proud, and energetic people, who know how to protect their rights and their honor. Such a state of things now exists that these people inhale some notions of freedom with the very atmosphere they breathe—and as they breathe it they come to love those rights. Despotism, on the other hand, is founded on the ignorance, prejudice, timidity, and depression of the people: but that ignorance is dissipating—those prejudices are weakening—that fear is dispelling—the people are fast rising in the scale of being. How unwise would it be, nay, how wicked, to abandon all these gradual but powerful effects of our Government and condition, in order to assume another character. What will be the effect of war on this influence? It will counteract it at once, by conjuring up in opposition all the angry and resentful passions. Why should we so effectually advance the dearest interests of despotism? Think you that their monarchs will fail to direct these passions against the cause of freedom? Sir, we can give no physical, no warlike aid to liberty that will not injure her cause.

There is another consideration that calls upon us to pause and reflect, before we take any step that may commit the nation. Monarchy can go to war from policy or ambition, and if they do not find it suits their views they can, with almost equal ease, withdraw from the contest. But it is far otherwise with Republics. In these, before you enter into a war, you must convince the mass of the nation that the war is virtuous and just in its principles, and unavoidable without disgrace. When a free people have become, by reflection, convinced of this, they become reckless of consequences; you rouse a deeper spirit; you concentrate a mightier wrath than a despotic Government can ever know. There is a moral force that mingles with the physical, and propels it with redoubled energy. But, if the war is unreasonable, unjust, unnecessary, when any calamity happens in its prosecution they at once look back to its origin, re-examine its principle; they ask, in a spirit of discontent and indignation, why was it not avoided; and they wreak their vengeance on its authors. You cannot, then, enter with too much caution on steps that have war in their probable or possible results. If you go to war in a proper spirit, and on sufficient and solid grounds, your people will resolve on success or ruin; but if you enter on it lightly, after a while the spirit of the people flags; they abandon you; you have to yield without success; the temper and tone of the nation is lowered, and its character permanently injured. Another question was, what effect such a measure as that now proposed was likely to produce on our relations with the European Powers. Britain seems to have learned from us a salutary lesson of neutrality, and she will observe it as long as she can. You cannot get that Government into a Spanish or a Greek war. At the very moment you would weaken yourselves by entering into this distant contest, that politic and experienced Government is husbanding its resources and accumulating its strength. You cannot doubt that they cherish a deadly hostility against you; that they are jealous of your rising greatness; that they remember well your naval triumphs, and that war will one day be the issue. Shall you, in the meanwhile, enter with levity, (in such a case, I repeat, that levity is wickedness,) and run the hazard of an unnecessary and impolitic war? Surely, you felt, a few years since, enough to warn you into sobriety and caution. You saw the struggle which arose, amidst the heavy embarrassments of the country, between the advocates of economy and those who were determined to support the institutions of the country at every expense. You know, sir, what a painful scene was then exhibited in this House. Shall we renew such scenes? Is this Committee willing to run any risk of their renewal? Can you doubt, if such embarrassments should again recur, that your crafty enemy would seize upon the crisis to attack you? No, sir; let us cherish peace; let us pay our debts; let us accumulate treasure; then your enemy will be less willing to assail you, while you will be the better prepared to meet him.

All the reasoning that we have heard respecting the Holy Alliance goes evidently on this assumption, that there exists to us some danger of war with those Powers. This has been shown to be the tendency of all their doctrines. Now, sir, if, as gentlemen argue, there is danger of the allies attacking us here on our continent, while we do nothing to disturb them, is there not, on gentlemen's own ground, still more reason to apprehend it if you go to their continent? They threaten us, it seems, because we are republics, though on this side of the Atlantic. Will they not do more, if we cross the Atlantic to place a republic in the very heart of their kingdoms? And will they not say to unhappy Greece, who lies virtually at their mercy, "if you rely on these 'Western republicans, and call them in to your 'aid, we will teach you that such interference 'shall be ruin to any who invite it; and, as a 'warning and an example on this subject, we will 'pour down upon you our accumulated ven-'geance." Yes, sir, as surely as you go to the Old World to set up a fortress of liberty, these despots will raze it to the very earth, if it were only to stop the precedent.

Suppose, sir, that the Turk, ignorant of what your exact intentions towards the Greeks may be, should seize your agent and put him to death; should massacre your seamen and resident citizens, and thus lay you under the immediate necessity of going to war with him. Can you believe that those allies would long remain without a pretext for mingling in the quarrel? Some question of blockade—some search—some implied interference—some excuse for hostilities? Remember your old enemy the Briton. If he gets your little fleet shut up in the Mediterranean, on any quarrel forged, he sweeps it from the ocean. That will at once throw you back a century. Remember, sir, the seed of revenge is there; and as soon as opportunity is furnished, depend upon it, sir, that seed will germinate.

There is another view of this matter. It is not only imprudent to adopt the proposed measure, but it is equally impolitic. The President is already authorized to employ agents of the kind contemplated. By legislating you publish it, and set all who are concerned to prevent your object on their guard—you put your opponents on the alert. You go out of your sphere, and interfere with the President in the duties of his own department, by making the proposed appropriation in a particular case and in none other; you seem to direct the President to send in one case, and not to send in another. But the measure, if done at all, had better be done silently, without inviting notice or resistance.

One word more, Mr. Chairman, and I have done. Have those who oppose the measure no sympathy for the Greeks? Yes, sir, we love their cause; we wish, we long, we yearn to witness its success. When they triumph, we exult at it; when they are unfortunate, we grieve over it. But because these are the feelings of our hearts, must we be indiscreet? We are intrusted with a nation that is proud of its sympathies with the oppressed on every foot of earth's surface—a people not selfish and narrow minded, but full of the finest and the sublimest sensibilities; but, surely, sir, the happiness and the dignity of such a people are not vainly to be put at hazard. Their souls are softened by their own happy privileges, and they long to impart them to the wretched; but shall we, therefore, precipitate them into difficulty and plunge them in sufferings and dangers? Sir, I am satisfied the measure proposed to us will do the Greeks no good—may do them much harm. That it hazards every thing in relation to ourselves, and in endangering us endangers the best hopes of the rest of the world; for so signal, so sublime, is the station now given us by Heaven, that with us is identified the bliss or the misery of a large portion of our species.

Mr. CLAY then rose, and commenced his speech by distinctly stating the original resolution, as moved by Mr. WEBSTER, and the amendment proposed by Mr. POINSETT. The resolution proposed providing the means to defray the expense of a mission, whenever the President, who knows, or ought to know, the dispositions of all the European Powers, Turkish or Christian, shall deem it proper to send one. The amendment goes to withhold any appropriation, and to make a public declaration of our sympathy with the Greeks, and our good wishes for their cause. And how, sir, (asked Mr. C.,) has this simple, modest, unpretending, this harmless proposition been treated? It has been argued, as if it proposed aid to the Greeks; as if it proposed the recognition of their Government; as an act of unjustifiable interference; as a measure of war. And those who thus argue the question, while they themselves give unbounded range to their imagination, in conceiving and setting in array the monstrous consequences which are to grow out of so simple a proposal, impute to us who are its advocates, Quixotism! Quixotism! While they are taking the most extravagant and unlimited range, and arguing any thing and every thing but the question before the House, they accuse us of enthusiasm, of giving the reins to feeling, of being carried away by our imagination. No, sir, the proposition on your table is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that at least some of the objections to the original proposal are occasioned by the source from which it has proceeded. There are individuals in this House, who look at the mover of this resolution, as if its value or importance was to be measured by inquiring who brought it forward. Sir, I have long had the pleasure of knowing the honorable gentleman who originated this resolution—I have sometimes had the pleasure of acting with him; and I would suggest to those to whom I have alluded, that, if they seek to be regarded as the sentinels of freedom, they must disregard the source from which any measure favorable to its interest may happen to have proceeded, and must take it up on its own intrinsic merits. If a gentleman who happens to belong to a different party, in political sentiment, shall bring forward a proposition fraught with liberal principles and noble sentiments, is it to be rejected for his sake? If this is the case, we cease to be Republicans, and those who act on principles the reverse of ours, will be the men who truly deserve that name; and, sir, if all Republicans must oppose this doctrine and all Federalists advocate it, I for one, should cease to be a Republican, and would become a Federalist.

Mr. Chairman, is it not extraordinary that, for, now, these two years, the President of the United States should have been allowed, not only without censure, but with universal applause, to express all the feelings which either the resolution or the amendment on your table go to sanction or to declare? So far is this from having met the disapprobation of the American people, that, from Maine to Georgia, and from the Atlantic to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity! That it is felt with the deepest intensity, that it is expressed in almost every possible form, and that it increases with every new day and passing hour. And, sir, are we alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country? from our constituents? from our Chief Magistrate?

The measure, sir, has been unwarrantably magnified. Gentlemen speak of the watchful jealousy of the Turks, and seem to think that the lightest movements in this body will be matter of speculation at Constantinople. He could assure the gentlemen that the European Powers attached no such vast importance to our acts and deliberations as some seemed to suppose. The Turk will in all probability never hear of the gentlemen's names who either advocate or oppose the resolution. The resolution is certainly not without its value, but that value is wholly a moral value; it throws our little tribute into the vast stream of public opinion, which, sooner or later, must regulate the physical action upon the great interests of the civilized world. But, sir, rely upon it the Turk is not about to declare war because this unoffending proposition has been offered by my honorable friend from Massachusetts, of whom, however eminent in our own country, the Sublime Porte has never yet heard. The Allied Powers are not going to be thrown into a state of alarm by a resolution appropriating two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks were likely to be exposed to increased sufferings in consequence of such a measure; as if the Turkish scimetar would be sharpened by its influence, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, it must have happened already. That expression is very fully and distinctly given, in the Message of the President to both Houses of Congress, not only this year, but last. And I would again remind the gentleman, that it is the President's Message, and not any record of our debates, that goes the rounds of the European Cabinets. This document is translated into their several languages, and is read by the Ministers of State, and possibly by some of the Sovereigns themselves: possibly by the Divan; but our resolutions are all for domestic use—for home consumption; they never will meet either royal or imperial eyes. In that Message, the President, after a most eloquent and touching representation of the feelings excited by the Greek insurrection, tells you, that the dominion of the Turk over that people is gone forever, and that the most sanguine hope is entertained that they will succeed in establishing their independence. Well, sir, if this is the fact, if their independence is almost achieved, if the Allied Powers themselves, possibly before we shall again meet in this Hall, may acknowledge that independence, is it not fit to make provision that our President may be among the foremost in that acknowledgment—or, at least, not among the last?

But, sir, so far from this resolution being likely, if passed, to produce injury to the Greeks, it is likely to have a directly opposite effect. Sir, the Turk, with all his power, and in all the elevation of his despotic throne, is at last but man; he is made as we are, of flesh, of muscle, of bones, and sinews; he can feel; and, sir, he has felt the uncalculating valor of American freedom in some of his dominions; and when he is made to understand, that not only the Executive of this Government, but that this nation—that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the nation he is crushing, he will be more likely to restrain, than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire has made, on this subject, a very ingenious, sensible, and ironical speech, an admirable *debut* for a young member, and such as I hope we shall often have repeated on this floor. But, sir, permit me to advise my young friend to remember that declaration, "sufficient unto the day is the evil thereof," and when the resolution which I have had the honor of laying on the table shall come to be discussed, I hope he will not think it sufficient to say, as he has now done, that the measure, or the argument in its support, is "a very extraordinary one," but that he will then let us hear an argumentative speech to prove that it is our duty to lay prostrate every fortress of human hope, and to see with complacency the last outwork of liberty taken. This, however, is foreign to the question now before the House.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations—that it will provoke the ire of the Holy Alliance—and will, in effect, be a repetition of their own offence, by an unwarrantable interference with the domestic concerns of other Powers. No, sir; not even if it proposed, which it does not, an immediate recognition of Grecian independence. What has been the uniform policy and practice of this Government, from the days of Washington to this moment? In the case of France, President Washington and his successors received Genet, Fauchet, and all who followed them, whether sent from King, Convention, Anarchy, or Emperor. Sir, the rule we have followed has ever been this: to look at the state of the fact, and to recognise that Government, be it what it might, which was in actual possession of sovereign power. When one of these Governments was overthrown, and a new one established on its ruins, without embarrassing ourselves with any principles involved in the contest, we have ever acknowledged the new and actual Government as soon as it had positive existence. Our simple inquiry has been, which is the Government *de facto*? An example has recently been furnished in relation to the Government of Spain. When the foreign Ministers were driven or retired from Madrid, and refused to accompany Ferdinand to Cadiz, our Minister sought at that port to present himself to the Constitutional Ferdinand—why? This Government held Ferdinand to be the actual King. Did this produce any declaration of war? Were any diplomatic notes ever received complaining of this proceeding? Nothing like it, sir. The lines are so plainly marked in which we are to go, that there is no mistaking them. We are to engage in no interference with their disputes, no contests for either party, no entangling alliances, but to maintain our diplomatic intercourse with existing Sovereignties. It has been admitted by all that there is impending over this country a threatening storm, which is likely to call into action all our vigor, courage, and resources. Is it a wise way of preparing for this awful event, to talk to this nation of its incompetency to resist European aggression, to lower its spirit, to weaken its moral force, and do what we can to prepare it for base submission and easy conquest? If, sir, there be any reality in this menacing danger, I would rather adjure the nation to remember that it contains a million of freemen capable of bearing arms, and ready to exhaust their last drop of blood and their last cent, in defending their country, its institutions, and its liberty. Sir, are these to be conquered by all Europe united? But I am quite sure that that danger, so far at least as this resolution is concerned, is perfectly ideal and imaginary. But, if it were otherwise, any danger is best guarded against by invigorating our minds to meet it—by teaching our heads to think, our hearts to conceive, and our arms to execute the high and noble deeds which belong to the character and glory of our country. Sir, the experience of the world may instruct us that conquests are achieved when they are boldly and firmly determined on; and that men become slaves as soon as they have ceased to resolve to live freemen. If we wish to cover ourselves with the best of all armor against perils, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us show them that we feel as they feel, and that we are prepared to live or die like freemen. Surely, sir, we need no long or learned lectures about the influence of property or of rank; let us rather remember that we can bring into the field a million of bayonets; let us remember that we are placed over a nation capable of doing and of suffering all things for its liberty. I can never forget what was once said to me by a most illustrious female, the first of the age, if not of her sex, on this subject. "Mr. Clay, (said that enlightened lady,) a nation never yet was conquered." No, sir—no united nation can be, that has the spirit to resolve not to be conquered; such a nation is ever invincible. And, sir, has it come to this? Are we so humbled, so low, so despicable, that we dare not express our sympathy for suffering Greece, lest, peradventure, we might offend some one or more of their imperial and royal Majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we draw an humble petition addressed to their Majesties, asking them that of their condescension they would allow us to express something on the subject. How, sir, shall it begin? "We, the Representatives of the free people of the United States of America, humbly approach the Thrones of your Imperial and Royal Majesties, and supplicate that of your Imperial and Royal clemency"—I will not go through the disgusting recital; my lips have not yet learned the sycophantic language of a degraded slave. Are we so low, so base, so despicable, that we may not express our horror, articulate our detestation, of the most brutal and atrocious war that ever stained earth, or shocked high Heaven, with the ferocious deeds of a brutal soldiery, set on by the clergy and followers of a fanatical and inimical religion, and rioting in excesses of blood and butchery, at the mere details of which the breast sickens?

If the great mass of Christendom can look coolly and calmly on, while all this is perpetrated on a Christian people in their own vicinity, in their very presence, let us, at least, show that, in this distant extremity, there is still some sensibility and sympathy for Christian wrongs and sufferings, that there are still feelings which can kindle into indignation at the oppression of a people endeared to us by every ancient recollection, and every modern tie.

Sir, the House has been attempted to be alarmed by the dangers to our commerce, and a miserable invoice of figs and opium have been presented to us to repress our sensibilities, and to eradicate our humanity. Ah, sir, "What shall it profit a man if he gain the whole world and lose his own soul?" or what shall it profit a nation to save the whole of a wretched commerce, and lose its liberties?

As to the question of American interests, hitherto, it has not been necessary to depart from the rule of our foreign relations laid down in regard to Europe. Whether it shall become us to do so or not, will be discussed when we take up another resolution that lies upon your table. But we may not only pass this resolution; we may go further; we may recognise the government in the Morea, and yet it will not be any cause of war, nor will it be war, nor even aid. Besides, sir, what is Greece to the Allies? A part of their own dominions? By no means. Suppose the people in one of the Philippine Isles, or in any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government; are we not to recognise them for fear of the Holy Alliance? If they are going to interfere on the principle of example, here is the spot where they must strike. This Government, you, Mr. Chairman, and the body over which you preside, are the living reproach to allied despotism. If they attack us at all, they will do it here. They will assail us in our own happy land. They will attack us because you, sir, sit beneath that canopy, and we sit freely debating and deliberating upon the great interests of freemen. They will strike because we pass one of those bills on your table. The passing of the least of them by our authority is as galling to despotic Powers as will be the passage of this so much dreaded resolution.

Pass the resolution, and what, sir, do you do? You exercise an act of indisputable sovereignty, for which you are responsible to none of them. You do the same act as when you pass a bill—no more. If the Allies object, let them forbid us to take a vote in this House—let them disperse us—let them strip us of every attribute of sovereignty.

Do gentlemen attempt to maintain that, on the principles of the laws of nations, these Powers have cause of war? Sir, if there is any principle settled for ages, any which is founded in the very nature of things, it is, that every sovereign Power has the right to judge as to the fact of the existence of other sovereign Powers. I admit there may be a state of inchoate, inactive sovereignty, in which a new government is struggling into being, and may not be said, yet, perfectly to exist; but the premature recognition of such a new Government can give offence justly to no other than its ancient sovereign. The right to recognise comprehends the right to be informed; and the means of information must depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own interests and your own people. If you adopt it, no act necessarily follows. You merely grant the means by which the Executive may act when he thinks proper. What does he tell you in his Message? That Greece is struggling for freedom—that all sympathize with her, and that no Power has declared against her. You pass this resolution, and what does it say to the President? "You have sent us grateful intelligence: we feel for Greece, and we grant you money, that, when you think it proper, when the interests of this nation shall not be jeopardized, you may depute a commissioner, a public functionary, to Greece." This is all it says; and the whole responsibility is left with the Executive, where the Constitution puts it. But, sir, it is not first and chiefly for Greece that I wish to see this measure adopted. It will give them but little aid, and that aid purely of a moral kind. It is, indeed, soothing and solacing in distress, to hear the accents of a friendly voice, (we know this as a people.) But, sir, it is principally and mainly for America herself, for the credit and character of our common country, that I hope to see this resolution pass: it is for our own unsullied name that I feel.

What appearance on the page of history would a record like this make, Mr. Chairman, "In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld with cold and unfeeling apathy, the unexampled wrongs and inexpressible misery of the Christians in Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and of human freedom, the representatives of a nation capable of bringing into the field a million of bayonets, while the freemen of that nation were spontaneously expressing its deep-toned feeling, its fervent prayer for Grecian success, while the whole continent was raising, by one simultaneous emotion, solemnly and anxiously supplicating and invoking the aid of heaven to spare Greece and to invigorate her arms, while temples and senate houses were all resounding with one burst of generous feeling—(gentlemen may call it enthusiastic declamation if they please; would to God we could hear such declamation, and the utterance of such feeling from them)—in the year of our Lord and Saviour, that Saviour alike of Christian Greece and of us—a proposition was offered, in the American Congress, to send a messenger to

Greece, to inquire into her state and condition, with an expression of our good wishes and our sympathies—and it was rejected." Go home, if you dare; go home, if you can, to your constituents, and tell them that you voted it down—meet, if you dare, the appalling countenances of those who sent you here, (he meant no defiance,) and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, affrighted you—that the spectres of scimitars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. He could not bring himself to believe, Mr. C. said, that such would be the feeling of a majority of this House. But, for himself, though every friend of the measure should desert it, and he be left to stand alone, with the gentleman from Massachusetts, he would give to the resolution the poor sanction of his unqualified approbation.

Mr. RANDOLPH moved, that the Committee rise, and signified that he should consider their doing so at this time, a great accommodation to him.

Mr. CUTHBERT begged him to suspend his motion for a few moments, to which he consented: When Mr. C. expressed a wish, that the honorable Speaker would explain the meaning of some parts of his speech a little more clearly; as he understood them, they seemed to contain reflections and insinuations, respecting those who opposed the resolution, which were of an unpleasant kind; if its opponents had in them the spirit of freemen, they were not to be terrified from their posts by menaces. He could not believe the gentleman meant all his words seemed to convey—if he did, he would say that he, for one, defied the insinuations, and scorned the denunciation.

Mr. CLAY explained. He had no intention to disturb the gentleman; he should take back nothing of what he had said; but he could assure the gentleman, that he had no personal allusion to him, or to any other gentleman on that floor; far from it—his feelings on the subject were strong, and he might have expressed them strongly, The advocates of the motion had been called Don Quixotes; and he had meant to repel imputations of that kind.

Mr. CUTHBERT then requested to be more clearly informed whether the Speaker had intended to support the original resolution or the amendment; for such was his zeal, that it was not always easy to understand his precise intention. At one time, he tells us, with that sneer he so well knows how to employ, (for the honorable gentleman commands the whole armory of the orator,) that the European monarchs do not read our resolutions; at another, he says, they are jealous of our Government. He speaks of our readiness for war; but where? will he abandon this continent for a war in Europe? The honorable Speaker finds it difficult to conceive how Greece is to suffer from the measure, if adopted. The gentleman has been abroad. He has honorably fulfilled a distinguished foreign service for this Government. Does he not know that the Emperor of Russia, without one hostile word being publicly uttered, has only to withdraw his troops from certain points they now occupy, to bring down immediate ruin on the Greek cause? Is it our arms that are to support their cause? or is it not our love of liberty and protection of domestic bliss? This is that virtue which goes forth and revivifies man, which nerves his body, which animates his soul, and teaches him to wield with a mighty force all his physical means.

Mr. CLAY said, in reply, that it appeared he had been very unfortunate in the speech he had delivered, since the gentleman felt obliged to make the present inquiry; but he must have been more unfortunate than ever he had been before, if the gentleman was, indeed, ignorant that it was the original motion, he meant to support. He was, indeed in favor of both, and he should like to see them incorporated together.

Mr. RANDOLPH renewed his motion, and the Committee rose, and having obtained leave to sit again, the House adjourned to to-morrow.

SATURDAY, January 24.

On motion of Mr. WHITTLESEY, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for dividing the State of Ohio into two districts, in a manner the best calculated to promote the interest and convenience of the people of said State; and to direct that the circuit and district courts of the United States, for the seventh circuit of the district of Ohio, be held in each of said districts, alternately, once in each year.

Mr. FLOYD laid on the table the following, for consideration on Monday next:

"*Resolved,* That the President be requested to cause to be laid before this House an estimate of the expense which would be incurred by transporting the troops now at the Council Bluffs to the mouth of the Columbia, or Oregon river."

RULES AND ORDERS.

Mr. RICH submitted the following proposition of amendment to the standing rules and orders of the House, viz:

Resolved, That the 69th section of the rules of this House be expunged, and that the following be inserted, under the head "Of Committees of the whole House," and immediately preceding the 74th section; that is to say;

Exclusive of the "Committee of the Whole on the state of the Union," there shall be three Committees of the whole House, to wit: One on bills, and other subjects of a public or general nature; one on private or local bills; and one on subjects of a private or local nature, on which a committee shall have made an unfavorable report.

When a subject shall have been referred to a Committee of the Whole, it shall be assigned to the appropriate committee by the Speaker; and, unless otherwise ordered, be entered on the calendar for the next succeeding day.

Each of the said committees shall elect its chairman, who, if present, shall preside at its sittings; but, if absent, his place, for the time being, shall be filled by a member, to be designated by the Speaker.

The House having resolved itself into either of the said Committees of the Whole, the several subjects shall be announced for consideration in the order in which they stand on the calendar, but shall not be considered, except on the motion of a member, seconded by a majority of the Committee: *Provided*, that the House may *specially* resolve itself into a Committee of the Whole, on any subject which the Committee shall previously have refused to consider.

Leave of the House shall in no case be necessary to authorize a committee to repeat its sessions, on subjects not definitively acted on.

Mr. **Rich**, in offering this resolution, observed that among the opinions which he had for many years held, there was none in the correctness of which he had greater confidence, than that the mode of transacting business in this House, was, in one respect, susceptible of material improvement; he referred to that part of it which relates to the appointment of a great number of Committees of the whole House to follow in succession, in the order in which the various subjects were brought up and stood on the docket. A few years after he had first had the honor of a seat in this House, a general Committee of the Whole was appointed, to whom any number of subjects, however diverse, might be successively referred. The consequence of this practice soon grew to be, that, towards the close of each session, as business became accumulated in the House, every thing was referred to this Committee of the Whole, and through the great pressure of its multifarious objects of attention, numbers of them were every session passed by without being acted on. A rule was subsequently adopted, restraining the number of subjects to be referred to any Committee of the Whole to three, and those of an analogous kind. This was certainly a great improvement from the previous state of things. But much inconvenience is still experienced from the practice as it now stands, and the consequent anxiety, in the friends of different bills and resolutions, to get them early upon the docket. He believed a remedy would be found in the method proposed in his resolution.

The proposition was received, and referred to a select committee; and Mr. **Rich**, Mr. P. P. **Barbour**, Mr. **Cobb**, Mr. **Taylor**, Mr. **Lathrop**, Mr. **Campbell** of Ohio, and Mr. **Tomlinson**, were appointed the said committee.

ELECTION OF PRESIDENT, &c.

Mr. **Livingston** submitted the following, which he proposes, when the subject shall come up, to offer as an amendment to the proposed amendment of the Constitution of the United States:

That the following amendment of the Constitution of the United States, be proposed to the Legislatures of the several States; which, when ratified by three-fourths thereof, shall be a part of the said Constitution:

That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States. Each district shall be composed, as nearly as may be, of contiguous territory, and shall contain a number of persons entitled to vote, as nearly equal as circumstances will permit.

And on such days as Congress shall determine, which days shall be the same throughout the United States, the citizens of each State, who shall be qualified to vote for a Representative to Congress, shall meet at such places, within their respective districts, as the Legislature of each State shall appoint, and, in such manner as such Legislature shall direct, shall vote for one person to be President, and for another person to be Vice President, and also for one other to be an Elector.

All the votes so given, in each district, shall be canvassed and counted by such persons, and in such manner, and at such place, as the Legislature of the State may direct. And the votes given for each candidate shall be added together, and the persons having severally the greatest number of votes as President, Vice President, and Elector, shall be considered as entitled to the vote of such district, for the said offices, respectively; but if two or more persons have an equal number of votes for the same office, then the persons appointed to count and canvass the said votes, or the major part of such persons, shall decide which of the persons having such equality of votes shall be entitled to the office, and shall certify the same accordingly. Triplicate receipts of the whole number of votes given for each candidate, shall be made out and transmitted, in such manner as Congress shall direct, to the Seat of the Government of the United States, addressed to the President of the Senate.

The President of the Senate, in the presence of the House of Representatives, shall open all the certificates, and the votes shall then be counted, each district being entitled to one vote, and the person having the greatest number of such votes for President shall be the President, if such number be a majority of the whole number of Electoral districts within the United States; and if no person have such majority, then the President of the Senate shall, by proclamation, declare such to be the fact; and shall also declare the names of the two persons having the greatest number of votes for President, and shall order the Electors, chosen as aforesaid, in each State, to assemble in such State at a time not less than thirty-five, nor more than forty-five days, after the publication of such proclamation. And the said Electors shall on such day meet at such place, in each State, as shall have been previously designated by the Legislature of such State; and shall then, by ballot, choose one of the two persons having the greatest number of district votes to be President; and they shall make three lists of the ballots so given, which lists they shall certify and sign, and shall transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate; and the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; and the one of the two persons mentioned in the proclamation of the President of the Senate as having the greatest number of votes of the Electoral districts, who shall have the greatest number of votes of the Electors so returned, shall be President; but if the said two persons have an equal number of votes of the Electors, then the one of the two who had the greatest number of votes of the Electoral districts shall be President. 2. The person having the greatest number of votes of the Electoral districts for Vice President, shall be Vice President, if such number be a majority of the whole number of Electoral district votes; and, if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of such quorum shall be sufficient to make a choice.

No person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States. And if any person so ineligible shall have a majority of the votes of the Electoral districts, or he shall be one of the two highest, if there be no majority, then a new election for Vice President shall be ordered without delay, and the President of the Senate shall exercise the functions of a Vice President until a Vice President shall be chosen.

And all questions relative to the eligibility of the persons voted for as President or Vice President, and every other question arising on the said election, shall be determined by concurrent vote of each House of Congress.

Congress shall pass such laws, fixing the time of holding the election, as will give the necessary time for referring the election to the Electors, in case no person has a majority of votes.

The proposed amendment was received, and ordered to lie on the table, and be printed.

THE GREEK CAUSE.

The House then again resolved itself into a Committee of the Whole, on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

The depending question having been stated,

Mr. RANDOLPH rose, and said, that it was, to him, a subject of unfeigned regret, that the very few unpremeditated words into which, a few days since, he had been so suddenly and unexpectedly betrayed, should, in the opinion of those for whose judgment he had much greater deference than for his own, have begot a necessity for some further illustration. He could, with most serious and unaffected sincerity, assure the Committee, that, whenever he was so unfortunate as to be under the necessity of trespassing on their attention, the pain which it gave them to listen, was not greater than that which he felt in addressing them; and he hoped that that consideration would secure a respectful attention to the little—the very little, that he had to say.

Sir, said Mr. R., the resolution before you, if we are to take the word of the honorable gentleman that moved it, is, in itself, almost nothing—a speck in the political horizon:—but, sir, no man better knows than the honorable mover, that it is from clouds of that portent in the moral and political as well as in the natural atmosphere, that storms, the most disastrous in their consequences, usually proceed. The resolution, in itself, is nothing, when compared with the consequences which it involves. It appears to me that the bearings and consequences of the measure proposed by this resolution have not yet been traced to their utmost extent; nor, by any means, Mr. R. said, did he intend to undertake the task. But he would give the Committee, as succinctly as he could, some of the views in which it presented itself to him.

It is with serious concern and alarm, said Mr. R., that I have heard doctrines broached in this debate, fraught with consequences more disastrous to the best interests of this people, than any that I ever heard advanced during the five and twenty years since I have been honored with a seat on this floor. They imply, to my apprehension, a total and fundamental change of the policy pursued by this Government, *ab urbe condita*—from the foundation of the Republic, to the present day. Are we, sir, to go on a crusade, in another hemisphere, for the propagation of two objects as dear and delightful to my heart as to that of any gentleman in this, or in any other assembly—Liberty and Religion—and, in the name of those holy words—by this powerful spell, is this nation to be conjured and beguiled out of the high way of Heaven—out of its present comparatively happy state, into all the disastrous conflicts arising from the policy of European Powers, with all the consequences which flow from them? Liberty and Religion, sir! Things that are yet dear, in spite of all the mischief that has been perpetrated in their name. I believe that nothing similar to this proposition is to be found in modern history, unless in the famous decree of the French National Assembly, which brought combined Europe against them, with its united strength, and, after repeated struggles, finally effected the downfall of the French power. Sir, I am wrong—there is another example of like doctrine; and you find it among that strange and peculiar people—in that mysterious book, which is of the highest authority with them, (for it is at once their gospel and their law—) the Koran, which enjoins it to be the duty of all good Moslems to propagate its doctrines at the point of the sword; by the edge of the scimitar. The character of that people is a peculiar one; they differ from every other race. It has been said, here, that it is four hundred years since they encamped in Europe. Sir, said Mr. R., they were encamped, where we now find them, before this country was discovered, and their title to the country which they occupy is at least as good as ours. They hold their possessions there by the same title by which all other countries are held—possession obtained, at first, by a successful employment of force, confirmed by time, by usage, by prescription—the best of all possible titles. Their policy, Mr. R. said, had been, not tortuous, like that of other States of Europe, but straight forward; they had invariably appealed to the sword, and they held by the sword. The Russ had, indeed, made great encroachments on their empire, but the ground had been contested inch by inch; and the acquisitions of Russia, on the side of Christian Europe—Livonia, Ingria, Courland—Finland to the Gulf of Bothnia—Poland

—had been greater than she had made of the Mahometans. And, in consequence of this straight forward policy to which he had before referred, this peculiar people could boast of being the only one of the Powers of continental Europe, whose capital had never been insulted by the presence of a foreign military force. It was a curious fact, well worthy of attention, that Constantinople was the only capital in continental Europe—for Moscow was the true capital of Russia—that had never been in possession of an enemy. It is, indeed, true, said Mr. R., that the Empress Catharine did inscribe over the gate of one of the cities that she won in the Crimea, (Cherson, I think,) "road to Byzantium;" but, sir, it has proved—perhaps too low a word for the subject—but a stumpy road for Russia. Who, at that day, would have been believed had he foretold to that august (for so she was) and illustrious woman, that her Cossacks of the Ukraine, and of the Don, would have been encamped in Paris before they reached Constantinople? Who would have been believed if he had foretold that a French invading force, such as the world never saw before, and, I trust, will never again see—would lay Moscow itself in ashes? These are considerations worthy of attention before we embark in the project proposed by this resolution, the consequences of which no human eye can divine.

I would respectfully ask the gentleman from Massachusetts, said Mr. R., whether in his very able and masterly argument—and he has said all that I supposed could be said upon the subject, and more than could have been said by any man in favor of his resolution—whether he himself has not furnished an answer to his speech—I had not the happiness myself to hear his speech, but a friend has read it to me—in one of the arguments in that speech? Towards the conclusion, I think, of his speech, the gentleman lays down, from *Puffendorff*, in reference to the honeyed words and pious professions of the Holy Alliance, that these are all surplussage, because nations are always supposed to be ready to do what justice and national law require. Well, sir, said Mr. R., if this be so, why may not the Greeks presume—why are they not, on this principle, bound to presume that this Government is disposed to do all, in reference to them, that they ought to do, without any formal resolutions to that effect? I ask the gentleman from Massachusetts whether the doctrine of *Puffendorff* does not apply as strongly to the resolution as to the declaration of the Allies—that is, if the resolution of the gentleman be indeed that almost nothing he would have us suppose—if there be not something behind this nothing which divides this House (not *horizontally*, as the gentleman has somewhat quaintly said, but *vertically*,) into two unequal parties, one the advocate of a splendid system of crusades, the other the friends of peace and harmony, the advocates of a *fireside policy;* for, as had truly been said, as long as all is right at the fireside, there cannot be much wrong elsewhere—whether, he repeated, does not the doctrine of *Puffendorff* apply as well to the words of the resolution as to the words of the Holy Alliance?

But, sir, we have already done more than this. The President of the United States, the only organ of communication which the people have seen fit to establish between us and foreign Powers, has already expressed all, in reference to Greece, that the resolution goes to express. *Actum est*—it is done—it is finished—there is an end. Not, Mr. R. said, that he would have the House to infer that he meant to express any opinion as to the policy of such a declaration. The practice of responding to Presidential Addresses and Messages had gone out for now these two or three and twenty years.

Mr. R. then went on to say he had thought if the great master of the political philosophy could arise from the dead, or had his valuable life been spared till now, he would not only have been relieved from all his terrors on the subject of a regicide peace, but also have witnessed a return of the age of chivalry, and the banishment of calculation even from the estimates of statesmen which that great man could never have foreseen; for the proposition now under consideration was that something new under the sun which Solomon himself never dreamed of. Is this all? No, sir, said Mr. R., if that was all, I should not have thrown myself upon your attention. But this is not all. Cases have already been stated, to which the principles of the resolution equally applies as to that of the Greeks. In addition to those already put, I will take the case of Canada, if you will. It is known to every body that discontents have for some time existed in the Canadian Provinces, with the mother country and the measures of its Government. Suppose the people of the British colonies to the North of us undertake to throw off the yoke—I will not put the case of Jamaica, because they, unhappily, are slaveholders. Are you ready to stake the peace, and welfare, and the resources of this nation in support of Canadian independence? Your doctrine goes that length—you cannot stop short of it. Where, in that case, will be the assistance of Great Britain, already referred to in debate as being the only spot in the world in which liberty resides except our own country? After some other observations, Mr. R. adduced another people—in valorous achievement and daring spirit on a footing with these Greeks themselves—and who have achieved their independence from a bondage far heavier than that of the Greeks to the Turks. How is it, sir, said Mr. R., that we have never sent an Envoy to our sister Republic of Hayti? Here is a case that fits—a case beyond dispute. It is not that of a people who have "almost," (ay, sir! *almost*, but not *altogether*)—who have *almost* but perfectly achieved their independence. To attempt to show that these cases are equally within the range of the principle of the resolution, would be to show a disrespect to the intellects of those around me. The man who cannot pursue the inference would not recognise my picture, though, like the Dutchman's painting, were written under it, "*This* is the man, *that* the horse."

There was another remark that fell from the gentleman from Massachusetts—of which, Mr. R.

said, he should speak, as he always should speak, of any thing from that gentleman with all the personal respect which may be consistent with freedom of discussion. Among other cases forcibly put by the gentleman from Massachusetts, why he would embark in this incipient crusade against Mussulmen, he stated this as one—that they hold human beings as property. Ah, sir, said Mr. R., and what says the Constitution of the United States on this point? unless, indeed, that instrument is wholly to be excluded from consideration—unless it is to be regarded as a mere useless parchment, worthy to be burnt, as was once actually proposed. Does not that Constitution give its sanction to the holding of human beings as property? Sir, I am not going to discuss the abstract question of liberty or slavery, or any other abstract question. I go for matters of fact. But I would ask gentlemen in this House, who have the misfortune to reside on the wrong side of a certain mysterious parallel of latitude, to take this question seriously into consideration—whether the Government of the United States is prepared to say, that the act of holding human beings as property is sufficient to place the party so offending under the ban of its high and mighty displeasure?

Sir, the objections to this resolution accumulate as I proceed—*vires acquirit eundo.* If I should attempt to go through with a statement of them all, and had strength to sustain me, I should do what I promised I would not do—I should worry and exhaust the patience of this Committee.

Sir, what are we now asked to do? To stimulate the Executive to the creation of embassies. And what then? That we, or our friends, may fill them. Sir, the sending ambassadors abroad is one of the great prerogatives, if you will, of our Executive authority; and we are, I repeat, about to stimulate the President to the creation of a new, and, I must be permitted to say, an unnecessary embassy—a diplomatic agency to Greece—that we, or our friends, may profit by it. For, sir, it is a matter of notoriety that all these good things are reserved for men who either have been, or are, *de facto*, members of this, or of the other, House. No doubt we shall be able to find some learned Theban, or some other Bœotian, willing to undertake this mission—perfectly willing to live upon the resources of the people, rather than his own. But then, said Mr. R., recurs the old-fashioned question, *Cui bono?* His own, undoubtedly, but surely not that of this nation.

But, it is urged, that we have sent and received Ministers from revolutionary France. True, said Mr. R., we have; but what was revolutionary France? Our own ancient and very good ally; a substantive Power, if any such exist on the continent of Europe, whose independent existence no one could doubt or dispute, unless, indeed, the disciples of Berkeley, who deny that there is any such thing as matter. But, sir, have the United States always received the Ministers that are sent to them from foreign Powers? How long did the person who was appointed diplomatic agent here from Spain (Don Onis) linger in your antechambers before he was acknowledged? And is it said that the situation of Greece approaches more nearly to independence than that of Spain when Don Onis came here as her Minister? Sir, let these Greeks send a Minister to us, and then we will deliberate on the question whether we will accredit him or not. If, indeed, there was a Minister of Greece knocking at the door of the President's antechamber for admittance, and that admittance was denied, the question of Grecian independence would be more legitimately before us; but I greatly doubt if even that case would be sufficient to call for the interference of this House.

But, Mr. R. said, there was one aspect of this question which, to him it appeared, ought to be conclusive on the minds of all, viz: That Russia, whose designs on Turkey have been unremittingly prosecuted ever since the days of Peter the Great for more than a century; that Russia, allied to the Greeks in religious faith—identified in that respect; that Russia, unassailable territorially, and dividing with us (according to the gentleman from Massachusetts) the dread and apprehension of the Allied Powers—even Russia, in "juxtaposition" (to use the words of the mover of the resolution) to Turkey—even Russia dare not move. But we, who are separated first by the Atlantic ocean, and then have to traverse the Mediterranean sea to arrive at the seat of conflict—we, at the distance of five thousand miles, are to interfere in this quarrel—to what purpose? To the advantage solely of this very colossal Power which has been held up as the great object of our dread, and of whom it is difficult to say whether it is more to be dreaded for its physical force, or its detestable principle.

Permit me, sir, to ask why, in the selection of an enemy to the doctrines of our Government, and a party to those advanced by the Holy Alliance, we should fix on Turkey? She, at least, forms no party to that alliance; and I venture to say, that, for the last century, her conduct, in reference to her neighbors, has been much more Christian than that of all the "Most Christian," "Most Catholic," or "Most Faithful" Majesties of Europe—for she has not interfered, as we propose to do, in the internal affairs of other nations.

But, sir, we have not done. Not satisfied with attempting to support the Greeks, one world, like that of Pyrrhus or Alexander, is not sufficient for us. We have yet another world for exploits: we are to operate in a country distant from us eighty degrees of latitude, and only accessible by a circumnavigation of the globe, and to subdue which we must cover the Pacific with our ships, and the tops of the Andes with our soldiers. Do gentlemen seriously reflect on the work they have cut out for us? Why, sir, these projects of ambition surpass those of Bonaparte himself.

It has once been said, of the dominions of the King of Spain—thank God! it can no longer be said—that the sun never set upon them. Sir, the sun never sets on ambition like this: they who have once felt its scorpion sting are never satisfied with a limit less than a circle, of our planet. I have heard, sir, the late corruscation in the heavens attempted to be accounted for by the return of the lunar cycle, the moon having got back into the same relative position in which she was nineteen years ago. However this may be, I am afraid, sir, that she exerts too potent an influence over our legislation, or will have done so, if we agree to adopt the resolution on your table. I think about once in seven or eight years, for that seems to be the term of our political cycle, we may calculate upon beholding some redoubted champion—like him who prances into Westminster Hall, armed cap-a-pie, like Sir Somebody Dimock, at the coronation of the British King, challenging all who dispute the title of the Sovereign to the Crown—coming into this House, mounted on some magnificent project, such as this. But, sir, I never expected, that, of all places in the world, (except Salem,) a proposition like this should have come from Boston!

Sir, I am afraid, that, along with some most excellent attributes and qualities—the love of liberty, jury trial, the writ of habeas corpus, and all the blessings of free government, that we have derived from our Anglo-Saxon ancestors, we have got not a little of their John Bull, or rather John Bull Dog spirit—their readiness to fight for anybody, and on any occasion. Sir, England has been for centuries the game cock of Europe. It is impossible to specify the wars in which she has been engaged for contrary purposes; and she will, with great pleasure, see us take off her shoulders the labor of preserving the balance of power. We find her fighting, now, for the Queen of Hungary—then, for her inveterate foe, the King of Prussia—now at war for the restoration of the Bourbons—and now on the eve of war with them for the liberties of Spain. These lines on the subject were never more applicable than they have now become—

> "Now Europe's balanced—neither side prevails;
> For nothing's left in either of the scales."

If we pursue the same policy, we must travel the same road, and endure the same burdens, under which England now groans. But, Mr. R. said, glorious as such a design might be, a President of the United States would, in his apprehension, occupy a prouder place in history, who, when he retires from office, can say to the people who elected him, I leave you without a debt, than if he had fought as many pitched battles as Cæsar, or achieved as many naval victories as Nelson. And what, said Mr. R., is debt? In an individual, it is slavery. It is slavery of the worst sort, surpassing that of the West India islands, for it enslaves the mind as well as it enslaves the body; and the creature who can be abject enough to incur and to submit to it, receives in that condition of his being an adequate punishment. Of course, Mr. R. said, he spoke of debt, with the exception of unavoidable misfortune. He spoke of debt caused by the mismanagement, by unwarrantable generosity, by being generous before being just. Mr. R. knew that this sentiment was ridiculed by Sheridan, whose lamentable end was the best commentary upon its truth. No, sir. Let us abandon these projects. Let us say to those seven millions of Greeks: "We defended ourselves, when we were but three millions, against a Power, in comparison to which the Turk is but as a lamb. Go and do thou likewise." And, said Mr. R., so with respect to the Governments of South America. If, after having achieved their independence, they have not valor to maintain it, I would not commit the safety and independence of this country in such a cause. I will, in both these cases, pursue the same line of conduct which I have ever pursued, from the day I took a seat in this House in '99; from which, without boasting, I challenge any gentleman to fix upon me any colorable charge of departure.

The condition of my strength, said Mr. R., or, rather, of my weakness, admonishes me to conclude; but I cannot sit down without remarking, that the state of the world is at this moment unexampled. We are now carrying on a piratical war against the maritime banditti of the West Indies. The buccaneers are revived. At what expense of life, of health, of treasure, that war is carried on, perhaps every member of this Committee knows better than I—but, sir, to what may this resolution lead? To the investing those banditti, and the banditti of all the rest of the world, with formal commissions, which the maritime courts of every country in Europe would be bound to respect—and, said Mr. R., I should not be surprised if some of the renegadoes, whom we have admitted to the privileges of citizens, or the yet more spurious offspring of our own soil, should take those commissions to cruise against our commerce. That such conduct would not be without example, the records of our courts will show.

It is not, then, the mere power of Turkey which you are to encounter, supposing that you stop short with the original resolution. But you do not—you go further—out of the frying pan into the fire—the amendment of the gentleman from South Carolina and the proposition of the gentleman from Kentucky, go still further—by adopting which, you will put the peace of the nation into peril—and for whom? For a people of whom we know almost as little as we do about the Greeks. Can any man in this House, say, what even is the state of society in Buenos Ayres—its moral condition, &c.?

Let us adhere to the policy laid down by the second, as well as the first founder of our Republic—by him who was the Camillus, as well as the Romulus, of the infant state;—to the policy of peace, commerce and honest friendship with all nations, entangling alliances with none: for to entangling alliances we must come, if you once embark in projects such as this. And, with all his British predilections, Mr. R. said, he suspected he should, whenever that question should present itself, resist as strongly an alliance with Great Britain as with any other Power. We were sent here, he said, to attend to the preservation of the peace of this country, and not to be ready, on all occasions, to go to war whenever any thing like what in common parlance is termed a turn up takes place in Europe.

These, sir, said Mr. R., are some of the views which I have taken of the subject. There are other views of it which I might take, but from which I abstain (I may be permitted to say) out of self-respect, as well as from respect for this Committee.

I can, however, assure the Committee, for one, that the public burdens on those whom I represent here, (though they are certainly better off than those to the north and the west of them—that is, till you come to the favored States, where the interest of the public debt is paid, and where almost all the public moneys are disbursed,) are greater than they can bear, because their private engagements are greater than they can discharge; and if this is not a self-evident proposition, I am at a loss to know what can be such. And this universal distress in the country has been the effect of freaks of legislation. I do not deny but there may be some who have drawn great prizes in the lottery, but that is not the case with the great mass of the nation. And what is this scheme but a lottery? If it should end in war, there will be more great prizes to be drawn; but it will be for me, those whom I represent, to pay them. I have been acquainted with my constituents a long time to little purpose, and have greatly mistaken their disposition and present temper of mind, if they are in any such "melting mood." The freaks of legislation to which I have referred, the vast expenditures which begot the necessities for over-issues of paper money—that system, compared with which all the evils of Pandora's box are blessings—have brought both England and America to this distress. The two cases are strictly parallel—they run on all fours—and, if this resolution be adopted, not merely similar, but yet more disastrous consequences will ensue.

I shall then, said Mr. R., return to my constituents without the least alarm in regard to this question. Unless, indeed, I, and those who in this case think with me, have reason to fear that our constituents will award us merited censure for not having better supported the cause we advocate. Unless on this account, I cherish not the least doubt that when I, for one, go back to those that sent me here, I shall be greeted with their honest, open countenances, and gratulating hands. There has not been a question, since I have been a member of this House, on which my opinion has been more clear than on this—no, not even in the case of the sedition law.

What, said Mr. R., is our situation? We are absolutely combatting shadows. The gentleman would have us to believe his resolution is all but nothing; yet again it is to prove omnipotent, and fills the whole globe with its influence. Either it is nothing, or it is something. If it is nothing, let us lay it on the table, and have done with it at once; but, if it is that something which it has been on the other hand represented to be, let us beware how we touch it. For my part, I would sooner put the shirt of Nessus on my back, than sanction these doctrines—doctrines such as I never heard from my boyhood till now. They go the whole length. If they prevail, there are no longer any Pyrenees—every bulwark and barrier of the Constitution is broken down; it is become *tabula rasa*—a *carte blanche*, for every one to scribble on it what he pleases.

Mr. WEBSTER then rose. He said he had not the least desire to trespass again on the indulgence of the Committee; his object was to ask its attention to a short reply to the objections which had been urged against his proposition. The basis of all fair argument, in all assemblies which wish to conduct their minds to a fair and just result, is to form for themselves a clear understanding of the grounds on which the question rests, and of the true nature of the subject in controversy. He held *that* as a right to which every public measure, proposed in any public body, was entitled; and it was the last right which he would be disposed to abandon in that House or elsewhere. He was the more earnest to state these objections, and remark upon them singly, because he felt that (not from design, probably, but from some inattention or misapprehension) a character had been attributed to his resolution, which had no more to do with it than any two things which were the most foreign from each other. If the debates on this occasion had gone forth to the world, separate from the resolution itself, it might have been conceived that he had proposed a subsidy, an alliance, or a direct war, in favor of the Greeks. His intention was, now, to call the attention of the Committee back to the real question before it. What that question was, he would, by the blessing of God, now set forth to the Committee and to the country.

The honorable member from New York near me, commenced by saying that the resolution, as its advocates explained it, contained a guarantee of liberty to all the nations of the earth. And where does he derive his authority for such declaration? No such guarantee is to be found upon the face of the resolution. No one that is in favor of its adoption, has said any such thing. When such an assertion is made, the premises upon which it is founded should be clearly stated. What is there in any one word of the resolution that leads to such a charge? If such an inference can, by any means, be drawn from it, let us hear the argument by which it is to be effected; but first to assume such premises, and then to argue from them, is it fair, is it correct? Mr. W. said he knew that, in combatting any proposition, it was a natural effort of debate to exaggerate what is opposed, and to set forth objections in strong terms. He only asked, on the present occasion, that the measure he had proposed should be treated with common candor, and that gentlemen would not ingraft the fictions of their own imagination upon his resolution, and then argue as if it contained a declaration of war, then to go to work most valorously against the man of straw, which themselves had formed. If any gentleman wishes to oppose some resolution which he has formed to his own fancy, with all my heart; but if he speaks to this, let him speak to this.

Mr. W. said, if he understood the gentleman from New York correctly, he had advanced three objections to the resolution. In the first place, he had doubts as to its constitutionality; in the second place, he entertained a pretty deep suspicion that the Greeks would not establish a free government: that they would have some little Emperor of their own, some successor to the Byzantian Kings, to reign over them; and next, the gentleman quotes Grotius, to prove, that sending an agent to revolted colonies, is an act of open hostility against the mother country. I do not recollect any thing else—oh yes! he has also attempted to prove by the patent laws, that we owe nothing to the modern Greeks, for Homer, Hesiod, Thucydides, and other great names of ancient times—and I must do the gentleman the justice to say, that he has very fully established that point from the patent law.

My honorable friend from New Hampshire, who is the last man to whom I would impute any thing unfair, said Mr. W., has indulged himself in somewhat loose statements in his opposition. He has spoken of the resolution as the *fulcrum*, by means of which the world is to be moved. He has supposed that it was a flaming sword intended to guard the paradise of Greece against the power of the Ottoman. But, sir, who says so? No words like these have fallen from my mouth—nothing to authorize such a supposition is to be found in the resolution. He asks, if it can be supposed that this measure is to work all the wonders which its advocates suggest? Sir, I have not suggested any wonders—I have never presumed that it would perform any miracles. I think it a proper measure, and that it will do some good—but I expect nothing miraculous from it. The honorable member has spoken in the same strain as others, against my proposition. And really, sir, if Cervantes had never lived, there would have been a plentiful lack of topics in this debate. Gentlemen have spoken of running tilts, and of some crusade to be entered into. Really, sir, I have not sufficient perspicacity and penetration, my brain is too dull, to catch all the ten thousand inferences gentlemen choose to draw from my resolution. If there is any thing extravagant in the proposition, let it be shown that there is, by fair argument. The honorable gentleman from New Hampshire imputes to me an intention of "running tilts with windmills." Sir, there is not much in this remark—and yet, there may be something in it too. It is my duty, I know, to encounter whatever opposition may meet me on this subject; and, sir, if I should happen, in my course, to meet with a *wind—mill*, why, sir, I must take a tilt with it, whether it be large or small, unless, indeed, I should conclude to have a little patience, and to wait a while, till the motion and the noise shall die of themselves, for a slight puff is generally soon over.

Sir, the gentleman from Virginia has said, if this proposition is not aid it is nothing.

I hold, sir, that there is no aid to Greece proposed by this resolution, either in a pecuniary, subsidiary, or belligerent point of view; and yet there will be something useful in it to their cause. If this is not maintained, I do not, of course, expect that the resolution will be adopted. Sir, it is something more than nothing. I am as little inclined to deal in nonenities as any man. The proposition cannot be what it has been represented to be, or it is one of the most magnificent and terrific nothings upon earth. It proposes, indeed, nothing against the Turks. I defy gentlemen to point to the word in the resolution, that can bear that construction. Nor has any thing fallen from me to authorize it. The gentleman has said, that the Greeks are nothing but a set of poor oppressed slaves—intelligent, if you will, intellectual, refined, and in some cases rich—yet nothing but slaves. Sir, if, with their intelligence, if with their numbers, if with their education, (such as it is,) they were not slaves, they would hold your sympathy much cheaper than they now do. The remarks in opposition tend to make this measure propose what it never did propose, and to make those who support it say what they never have said.

One word to the gentleman from Mississippi. It appears to me, sir, that his argument is not quite consistent. He says that this resolution is too cold an expression against the principles acted upon by the Holy Alliance; and yet he thinks it may bring us into a war with them. Now, sir, both these remarks cannot be well founded.

Mr. Rankin explained.

Mr. Webster said, it was not his intention to misrepresent the gentleman. But, sir, a gentleman from Georgia, for whom I entertain great respect, in the remarks he made yesterday, seems, in my apprehension, to have taken for granted what is in dispute; he said, that it is conceded that this subject had originated altogether in feeling. And pray, sir, said Mr. W., who conceded this? I say, if not so many as ten persons had uttered a word in favor of the Greeks, and I had entertained the same opinion that I do now entertain, of the principles advanced by the Allies, and their danger to free Governments, I should have deemed it my duty to bring the subject before this House. Even if the people concerned in it had been situated, as the gentleman yesterday put a case, in the Philippine Isles, I should have moved the same resolution, and should have supported it on the same principles.

The general objection which has been urged against it, is, that its scope is dangerous—that it leads to war. But one extreme inference which was yesterday drawn from as extreme a case, sir, made me feel shocked, to trembling, at the consequences of my own measure. The gentleman, after ably and very truly stating the difference of facility in going to war, between a Republic and a Monarchy, was not satisfied with the cry of "*bella, horrida bella*"—but he stated a case, which almost made me wish myself out of the House of Representatives—and which assuredly would make me wish my proposition out of it. He says, we shall be compelled, in consequence of passing this resolution, to send all our public vessels to the Mediterranean—that we shall next get into a quarrel with Great Britain, and that she will send her fleet, and hermetically seal us up in this Mediterranean bottle, and that then there will be cutting and slashing, running, and taking, and we shall be thrown back a whole century. I mention this to show the effects of a fervid imagination, in perverting a proposition which means only peace and law.

The honorable gentleman from Virginia, who has spoken this morning, like a skilful and experienced public man, has endeavored to do, (what certainly he has a perfect right to do,) to refute me out of my own mouth. He has said that Puffendorff is against me; that if it is supererogatory to make declarations and stipulations to do only what it is a plain and acknowledged duty to do, and if it is to be presumed that States will always do their duty, why may not the Greeks presume that, when the proper time arrived, we should do our duty towards them? Undoubtedly. They are bound to presume so. They will presume so. And therefore, at this very time, they will presume that we shall do something. But what shall we do, if not some act very like that which is now proposed to the House?

The gentleman says we shall be bound, upon the principle of this resolution, to undertake to aid the Canadians; but this inference goes on the presumption that he has truly stated that principle. If we were, indeed, about to proclaim ourselves guardians of universal liberty, his inference would be a fair and true one; but, I ask him to draw his inferences from no man's commentary, but to let the resolution speak for itself. The gentleman has attributed to me a remark, which I do not recollect to have made, in relation to the Greeks being held by the Turks as their property.

Mr. RANDOLPH rose, and, in explanation, read a passage from Mr. WEBSTER's speech, as reported in the National Intelligencer.

Mr. WEBSTER said that he had not had time, since the commencement of this discussion, to look over the printed report of his remarks on the subject. He probably might have used the expression attributed to him. If he did, he meant no improper allusion by it. He only meant to convey the idea of their servitude; that it had been the policy of their conquerors never to consider them upon terms of equality; never to adopt them as subjects, but to treat them and their children as ransomed captives; that the Greeks were compelled to pay a ransom, from year to year, as a price for the privilege of living. The gentleman cannot suppose, said Mr. W., that I intended to compare them with any property held within the United States; on the contrary, I feel quite sorry to have given the least occasion to suppose that an allusion of that kind was intended.

It has been objected that the resolution is in effect an injunction, or, at least a stimulus, to the Executive, to send a Minister. But the resolution does not say a word of any attempt to hasten the appointment; it leaves that appointment to be made when the President shall consider it proper and expedient; and, as to profitable consequences, I, at least, stand pretty clear. The gentleman from Virginia knows full well, sir, that I can have nothing to do either with the stimulus or with the reward to which he has alluded.

But, sir, I do not wish to take up too much time of the Committee, and will proceed to ask gentlemen to call back their attention to the real question; as no object on earth, in relation to this subject, is so dear to me as to have it fairly understood that at least my own vote may rest on my own resolution and my own principles. As to its ultimate fate, every gentleman will, of course, determine for himself. I shall be satisfied with the result, provided I have an opportunity to make myself clearly understood. What, then, is the question? At the commencement of the session, the President, in his Message to Congress, called our attention somewhat particularly to the struggle in which the Greeks were engaged to maintain their freedom. He had taken a similar notice of that people, in his Message, the year before. He now expresses his opinion very strongly on the subject. He remarks that the sympathy of the whole civilized world is excited in their behalf; and he expresses his strong conviction that the dominion of the Turks over them is lost forever. Now, if it were customary to return an answer to the Message, we surely should not refrain from expressing the opinion of the House on this subject. This brings us, then, to the very pith of the question, which after all is, whether it is fit for this House to express any opinion whatever in the matter. No man can meet me, and prove that the Government is not already committed upon it. The President is the executive organ of the Government; he is charged with the foreign relations of the country; he is the organ of the nation, so far as relates to the safety of its concerns abroad. Many things pass the House, in the shape of resolutions, upon which it would not become the Executive to express an opinion; and the real question is, whether this House has the right to have an opinion, and to express it, on this subject? I submit to the gentleman from Virginia whether it is not proper, whether it is not the good old practice, that the popular branch of the Government should, on certain occasions, express opinions on matters which do not come before them as direct subjects of legislation? Is there a single member who can doubt that, if the House had returned an answer to the President's Message, it would have contained something like this language: "We participate in your sympathy 'in behalf of the Greeks. You will exercise your 'discretion as to the propriety of sending an agent 'to that people; and, if it should be thought pro'per to send one, we shall make the necessary ap'propriation when the proper time comes."

We now propose to express this same general opinion by resolution. The only difference, in expressing the opinion by resolution, or by direct reply, is this—that resolutions usually have reference to some measure which is to follow; whereas, in an address or reply, opinions may be expressed in a more abstract manner. I think, sir, this subject is of sufficient importance to warrant an expression of the opinion of this House. Yet it is not merely, or principally, for the sake of the Greeks that I introduced it. The history of Greece, for the last five years, fully shows the application of the principles acted upon by the Allied Powers. This evidence of those principles seems to render it proper that we should express our concurrence with the Executive in the expression he made of principles directly the reverse. The abandonment of Greece is another proof of the change of national policy instituted by the Allies. They have certainly started a new principle, which they hold to be a part of the law of the civilized world. Now, if we hold so too, let us not say a word on the subject. But if we think the operation of their present policy is hostile to the true principles of liberty, and if we consider the opinion of the House of Representatives as worthy of any regard, let us express that opinion.

The Allies have brought their power to bear directly upon the Greek cause. They tell us, in terms, that they would act in her aid on principles of their own national interest; but that the general principle of suppressing all revolutionary movements overcomes all considerations of private interest, and they therefore abstain from all aid. Here, then, is a practical application of their new principle; and it is because of the application of this principle that I have asked the House to express its opinion upon it; and I doubt not, that, in the Courts of the Allied Powers, opinions will be expressed discountenancing this attempt of the Greeks against the Turkish Government. So that the question seems to resolve itself into a proposition to consider whether we will give currency to the doctrines of the Alliance, by our acquiescence in them. This resolution, therefore, cannot be considered as nugatory and idle; it will show our opinion of the operation of those principles upon human happiness. And now I ask, sir, if it is not of some importance, after the President and the Secretary of State have thought proper to express their opinions on the subject, that this House should make a similar expression?

I think the passage of the resolution can have no effect for evil, while it will have much for good. It is said that it will produce war. I ask how? How is it to produce war? No one pretends that there is any just cause of war contained in it. Even the gentleman from New York, who has read Grotius so recently, has not shown any cause for war. But it is said that, whether there is cause or not, offence will be taken by the Allies; that they have one system, and we another; and that they will express an opinion the reverse of that contained in the resolution. And let them, sir, with all my heart; but is this war, sir? Yet still we hear nothing but war, war—"*Arma virumque cano.*" We must do nothing they dislike, for fear of war. But, sir, if you once let them understand this is to be your rule of proceeding, take my word for it, they will soon tell you of a great many things they do not like; and if you refuse this resolution on that ground, you will have set a precedent from which you cannot consistently escape.

As to the amendment proposed by the gentleman from South Carolina, I think the Committee will be satisfied that if my proposition has a tendency to excite the anger of the allied Powers, his amendment is, on that score, much more dangerous. There appears to be some incongruity between the gentleman's argument and his resolution. He has told you that it is the duty of the Legislature to be stern and inflexible, and not to yield to feelings of sympathy; and, at the same time, he has proposed a resolution which expresses nothing but sympathy.

Suppose the gentleman from South Carolina were himself a representative of this Government, at the Court of Russia; and, after the adoption of his amendment, he were met by Pozzi Di Borgo, who should say to him, "I perceive by your papers that a string of resolutions have passed in your House of Representative, expressive of their warm sympathy in the cause of the Greeks, and against the principles of national policy laid down by the Holy Alliance. You seem all to be running Greek mad—why, sir, don't you know that those Greeks are nothing but a pack of rebels to their sovereign, who have been throwing a firebrand into the midst of the Ottoman empire? What, pray, have you to do with them, and what will this lead to?" What would be his anwer? Deny the charge he could not—there are the very words produced against him. But if my resolution were adopted, his answer would be obvious enough. He would say, "the President had informed us, at the opening of the session of Congress, that a new State was rising up, in the Mediterranean sea—that they had succeeded in throwing off the government of the Turks, and in rendering themselves independent. The House of Representatives felt interested to inquire into the subject, and had merely authorized the President to send an agent, for that purpose, when he should think proper, and that the House would make the necessary appropriation." Perhaps, sir, it arises from self love, but I had certainly rather, in such circumstances, undertake to defend my proposition, than that offered by the gentleman from South Carolina.

Does this resolution hasten the exercise of the duties of the President? Will he say that his discretion was hurried and that now he is bound to send an agent, at all events? No, sir. We leave the subject where we found it, in respect to the time, the place, the instructions, and the character of the agent to be sent. He may send a private messenger, if he chooses. It has been said, that, if a public agent is sent, he might possibly meet the Turkish sabre; he may go as a private citizen, and afterwards be accredited when proper. He need not be a public agent. The nature of the agency, and every thing relating to it, is left to the discretion of the President; and there I wish to leave it.

I must insist upon it, sir, that there is no cause whatever for the anti-pacific character that has been attributed to the resolution; and that it does not, in the least, hasten the exercise of power by the Executive. It comes, then, to this question at last, whether it is proper for the House to entertain, and express, an opinion, in relation to the new and dangerous doctrines set up as public law in Europe. I will trouble the Committee no longer. I regret that this case has not fallen into other hands and can only say (and the House will understand to what I allude) that, in the little experience I have had in public life, I have never supposed that my personal influence could affect any man's vote in favor of a cause I advocated, and I certainly have no reason to believe that the support I have given to this proposition will, on this occasion, have the opposite tendency.

Mr. **FULLER** differed from his honorable colleague on this question. I think, said Mr. F., that the proposition of the gentleman from South Carolina is a very harmless one, as it amounts to nothing; and it is, therefore, of such a character that the House ought not to be engaged in discussing it; and yet, negative as I view it, I prefer it to the absolute mischief which I believe would result from the original resolution. The gentleman asks how this resolution, which merely provides for the appointment of a commissioner, can produce such events as have been anticipated from it. I will endeavor to demonstrate that these consequences may result from the adoption of this measure, because such evidence is necessary upon the threshold of the argument. If we send an agent, he cannot be an ordinary agent. He will be known as our public agent, in all Europe, and it will be so explained to the Grand Seignior; whether you call him minister, ambassador, envoy, or by any other name. He will not be the inoffensive, innocuous agent which has been spoken of. Does not every man know that the President has already the power to send an agent? What necessity is there for the interposition of Congress, and for a week's debate upon the subject? All this would tend to show, and Europe could have no other conviction, than that the United States were sending a minister of the highest grade; not, possibly, with the same salary and outfits, but clothed with full and ample powers. We know well enough that it is considered by all the nations of Europe that, sending a minister to provinces which have set up for themselves, in opposition to the mother country, is a just cause of war. I think I can convince my honorable colleague, who has professed his readiness to reason from the head, rather than the heart, that it will have the appearance of such an offensive act. Are we to expect the Grand Seignior to draw any conclusions in our favor, by making nice distinctions in regard to the character of our agent? He will consider him as an authorized minister from the Government, and he will have a right so to consider him.

But, if we are prepared for this measure, this is not the mode in which it should originate. It is admitted, on all sides, that the President is the centre of all information, in regard to the foreign relations of the country; and consequently we require, when it is necessary, that he should give information to Congress upon subjects relating to our foreign affairs. This has always been the course which the business of the Government has taken. The Constitution enjoins him, at all times, to recommend to Congress such subjects as may, in his opinion, require its attention. But has he recommended the measure now before the House? Has he not considered the subject? His Message proves that he has. And why, then, has he not recommended the course which is now proposed to be pursued? He has still an opportunity to do so during the present session. Why should we interfere with the duties of the President? Why step out of our own path into his? Suppose it should happen that gentlemen who oppose this measure are right. Suppose the Turk should let loose upon our commerce the Barbary Powers, over which he exercises his control—suppose they should make an immediate attack upon that trade which the honorable member from Kentucky has called "a miserable invoice of figs and opium." If this trade is really so inconsiderable, why have we now a squadron engaged in the protection of it? Sir, that trade is highly important. And if the Barbary Powers should threaten its destruction, shall we not find it necessary to repress such an attempt, whatever expense may be incurred? Even if it were to double our present debt, we should be bound to do it.

I think, then, sir, it is our duty to leave the responsibility of this act where the Constitution places it, in the hands of the President. When he makes a communication, suggesting the propriety of such a measure, it will be time enough for Congress to take the business in hand. By this course, we shall stand exculpated to our constituents. Then it cannot be said that the Eighteenth Congress has seen fit to step out of its proper sphere, to interfere with the foreign relations of the country—to tell the President he is too slow in the performance of his duty—that he does not regard the interests of the nation. Some gentlemen have remarked that the opposition to this resolution shows a distrust of the President—because it merely proposes to leave the exercise of this power in his discretion. But will it not be taken to enjoin upon him the appointment of a minister—and will he not incur the reproaches of some, perhaps inconsiderate, men, if he does not make the appointment? Whether he would resist the popular impression, or not, I do not know. But I think it is trusting him with a power which it was never intended should be vested in the Executive—the power of making war. He has the right to recommend war, but not to declare it. What would be thought of Congress if they should authorize the President to issue letters of marque and reprisal, or to do any other act of war after the close of the session, against any nation with which we are at peace? It never could have been intended to trust to the Executive the power of involving the country in war. And this will be the effect of the power to send a minister to the Greek Republic.

But I do my colleague, the mover of the resolution, the justice to believe that he does not think that war will be the consequence of this measure. If it will not, what good consequence can arise, which cannot be obtained without the resolution? Why give us such a forcible description of the detestable conspiracy of the allied Powers, and of the distresses of the Greeks, if no effect is expected to be produced upon either? I know well enough, sir, that my honorable colleague is not in the habit of throwing away his arguments. It is never with him, *vox et præterea nihil*—I cannot but consider that war will be the consequence of this measure; that Turkey will declare war against us; and we shall be obliged to double our forces in their seas, and great trouble and expense will be incurred by the nation.

I intend to take up but little time, sir, on this subject, for, after the gentleman from Virginia and my colleague have so ably addressed the Committee, I am in the situation of poor King Richard—

> **"As in a theatre the eyes of men,**
> **After a well graced actor leaves the stage,**
> **Are idly bent on him that enters next."**

I will consider, briefly, what will be the fate of the Greeks, if this measure does not pass. Greece, as the President informs us, is already substantially independent. She has achieved her independence, unassisted by any other Power, and is unopposed, but by Turkey. But I fear, sir, that she will never be permitted to establish a free Government. My heart misgives me, when I look beyond her connexion with Turkey. No doubt the Holy Alliance will interpose. The approaching Congress is ominous of such interposition—and the utmost we can expect in her favor, is, that she will not be subject either to the power of Turkey, or of the Autocrat—but that, under the auspices of the sovereigns, she may be permitted to enjoy an intermediate state, between freedom and the iron yoke which she has hitherto borne, provided we do not interfere. My honorable colleague has remarked, that the adventures of the far famed Knight of La Mancha have furnished a large portion of the arguments against his resolution, arising, no doubt, from a strong resemblance of the present enterprise to those ascribed to him; and I cannot forbear reminding him of the poor boy who was released from the scourge of his master by the valorous Knight's interference, but, being compelled to remain with his chastiser was, immediately, on the departure of the Don, subjected to ten-fold vengeance. So, in relation to Greece—if we interfere, we shall only render them more obnoxious than ever to the Holy Alliance. The Greeks do not ask us to send a Minister to them. We have no reason to suppose they are desirous of it. If they were able to anticipate the result, they would certainly not incur the odium of the Holy Alliance, by any contact with a country to them so utterly detestable. Such aid will be extremely pernicious to them. Our sympathy they have already. The voice of millions has ascended, in a general peal, to the skies, in behalf of the Greeks. If they were immediately contiguous to us, and if their danger were ten times greater than it is, it would be doubtful whether it was proper for us to interpose. It is the very course we interdict others from pursuing in reference to ourselves. We adopt a resolution for the relief of the Greeks, and then follow it by passing the resolution proposed by the honorable Speaker, declaring that we will not permit any interference from other Powers, with the concerns of our continent. In foreign wars, our country will be found to be exceedingly weak; although, as I trust, invincible in a war for our own defence.

Mr. F. spoke of our situation fifteen or sixteen years ago, when the continent of Europe was closed against the world; when our independence was in danger from the colossal power of Bonaparte. Many persons at that time recommended an alliance, offensive and defensive, with England—and what did the venerable sage who occupied the office of President do? Did he wish to enter into such an alliance? Did Congress recommend such an alliance? No. And I hope, said Mr. F., that the enlightened statesmen of this country will march on steadily in their course. If we are to engage in any conflict with foreign Powers, let us prepare to meet it, when it approaches us. I hope this Republic will not be propelled in her career by the impatience of the brilliant statesmen in this House; but that she may be permitted to ascend, with calm and dignified step, to the pinnacle of glory—there to remain a beacon to illuminate the benighted nations of the world through all future ages.

Mr. Wood, of New York, followed Mr. Fuller in a few remarks, replying to Mr. Webster, and vindicating the correctness of the views heretofore presented by him in opposition to the resolution.

Mr. A. Smith then moved that the Committee rise, but withdrew his motion at the request of

Mr. Bartlett, who proceeded to say, that however young he might be, either personally, or as a member of that House, he felt it incumbent on him to rise and to repel the charge of personality which had been cast by the honorable Speaker upon the opponents of the resolution of the gentleman from Massachusetts; were that charge, as stated, indeed applicable, the parties involved in it, would be more worthy of the cells of a criminal penitentiary, than of a seat on this floor. The charge had been made very broadly—and if the loud voice, the menacing look, and sneering gesture, which accompanied it, were intended to apply to him personally, he must send it back as unjust, ungenerous, untrue. With respect to what had fallen from the gentleman from Massachusetts, he could only say that he had from his infancy witnessed with delight the display of his virtues and his powers, and he had too long gazed with admiration upon that display to be surprised at the ability he had now displayed in argument, or at the corruscations of wit, with which it had been enlivened; and though it had been his lot to lie, in some measure, within their range, yet, even to him, they did but present an intellectual treat. He did not advise, but he must say to the honorable Speaker, that it was unwise to throw out the insinuations which had escaped him as to the motives of the opposition; they were as little merited as would be the insinuations of one who should say to that honorable gentleman, "You, sir, have a great personal and political object in view—you perceive that, on this question, the whole country is in a tempest—you feel it to be necessary for you to 'buy golden opinions from all sorts of men'—and you have aimed to 'ride on the whirlwind and direct the storm." Insinuations of this kind, would be, as to that gentleman, unjust as they would be disgraceful to him who should make them, but not more so than those which had been thrown out against the opponents of the resolution. He had been "seriously advised" by the honorable Speaker, he ought, doubtless, to receive the advice with all due deference; yet, however criminal it might be, he felt inclined to say to him, "I thank you for your advice—more, forasmuch as it was altogether gratuitous and uncalled for; but, however inexperienced I may be, or however young, when I feel any need of lessons on the subject of political integrity, I feel myself of age to select my instructor."

The Committee had at one time been urged to give the Greeks a cheering word from this great nation, (not forty years old,) and yet at another they had been told that if they gave it, nobody would hear of it—it would never go beyond the walls of this House. Somewhat, too, of terror had been resorted to. Gentlemen were asked if they dare go home to their constituents after voting against the resolution. Whether to vote against the resolution, or against the opinion of that honorable gentleman were the more daring, he would not attempt to determine; where he should go when he left this House, he might not be able to say, but if not to his constituents, he certainly should not go to the Grand Seignior, for he should make a bad slave either at Constantinople or in this House. However obscure he might be, he had no constituents so humble as not to know that he dare do all his duty.

Mr. CLAY rejoined. The gentleman from New Hampshire, he believed, was a new member of this House. If he had ever been here before, he was ignorant of it. He had never, till now, heard of his name, in the House or out of it. In his speech on the resolution of the gentleman from Massachusetts, this gentleman had gone out of his way to attack a resolution laid on the table by the Speaker, and which was not then under consideration. He had replied to him, he thought—he certainly intended it—with great respect, with great decorum; it was his habit so to treat every member of this House, and particularly a new member, on his trial, for the first time, before this House and this country. He chose to travel out of his track, said Mr. C., to assail my resolution; but I must say he did not more mistake the dimensions of the resolution than he has done his own. And now, after lying on his pillow for twenty-four hours, he comes here with a conned reply. What I now say, I say not for him, but out of respect to this House. If that gentleman had felt himself aggrieved, and had, at the time, requested an explanation, it would, with all readiness, have been furnished; but he has chosen to go on, and to seek it in the manner we have just witnessed, and now let him get it where he can. On this floor he shall never get it from me. The honorable gentleman has further permitted himself to introduce a topic the most unfit that can be brought before this Committee; he has alluded to a relation in which I stand to this country, (which has not been of my seeking,) and he has ventured to insinuate that the ground I have taken in the present discussion has been influenced by motives derived from, or connected with, that relation. [Here the Chairman interposed, and reminded the gentleman now speaking, that the gentleman last up had expressly disclaimed the imputation of such motives, and had said that it would be unjust.] Mr. C. resumed—I know he disclaimed them, and yet he made them, sir—I know the import of words. If a man says a thing is black, and then tells me he meant by that to say that it was white, I know how to understand him; but if he did mean to cast the insinuation upon me, I cast it back with scorn and contempt upon his own shoulders, and there it rests.

Mr. A. SMYTH, of Virginia, then moved that the Committee rise; which was carried, and the Committee rose accordingly—having obtained leave to sit again.

MONDAY, January 26.

Mr. TEN EYCK presented a petition of sundry inhabitants of the State of New York, praying that a lighthouse may be erected at the lower end of Lake Ontario and entrance of the river St. Lawrence.

Mr. KENT presented memorials from sundry inhabitants of the District of Columbia, praying for an alteration in the form of government, as well as in the administration of justice, in said District.

Mr. MERCER presented a memorial of sundry farmers, merchants, and millers, in the State of Virginia, praying that an alteration, which is therein specified, may be made in the laws relative to the inspection of flour in the town of Alexandria, in the District of Columbia.

The said memorials were referred to the Committee for the District of Columbia.

Mr. ALEXANDER, of Tennessee, presented the report of a committee, accompanied by a resolution adopted by the General Assembly of that State, upon the subject of a deficiency in the quantity of lands ordered by Congress to be reserved for the purposes of education in that State.

The SPEAKER presented a petition of Edwin Lewis, of the State of Alabama, praying that the official conduct of Charles Tait, district judge of the United States for the district of Alabama, may be again inquired into, to the end that the said judge may be impeached and removed from office, for improper and extra judicial conduct.

The said resolution and petition were ordered to lie on the table.

Mr. MOORE, of Alabama, presented a memorial of the General Assembly of the State of Alabama, praying that a provision, therein suggested, may be made, so as to extend further relief to certain purchasers of public lands, prior to the 1st of July, 1820.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of the expenditure, for the last year, of the annual appropriation, made by the act of the 3d of March, 1819, for the civilization of the Indian tribes adjoining the frontiers; which was ordered to lie on the table.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, reported a bill making further appropriations for the military service of the United States for the year 1824, [intercourse with the Indians;] which was read twice, and committed to the Committee of the whole House, to which is committed the bill making appropriations for the military service of the United States for the year 1824.

Mr. **McLane**, from the same committee, also reported a bill making appropriations for the support of the Navy of the United States, for the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. **Whittlesey**, from the same committee, made a report on the petition of Adelaide Brush, accompanied by a bill for the relief of the representatives of Elijah Brush; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Hamilton**, from the Committee on Naval Affairs, made a report on the petition of Joseph Marechal, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles: An act for the relief of the legal representatives of Firman Le Sieur; An act for the relief of Celestin Moreau, of Louisiana; and An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; in which bills the Senate ask the concurrence of this House.

The resolution submitted by Mr. **Floyd**, on the 24th instant, was taken up, read, modified, and agreed to, as follows:

Resolved, That the President be requested to cause to be laid before this House an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs to the mouth of the Columbia or Oregon river.

On motion of Mr. **Gurley**, the Committee on the Public Lands were directed to inquire into the expediency of passing a law of prescription, limiting the time in which suits may be instituted for the recovery of lands in the State of Louisiana, claimed under titles derived from the French, British, and Spanish Governments, in all cases where there is adverse possession in the Government of the United States, or in any person or persons claiming the same, from or under said Government.

On motion of Mr. **Storrs**, the Committee on the Judiciary were instructed to inquire into the expediency of so amending the act, entitled "An act supplementary to an act for the better organization of the courts of the United States, within the State of New York," passed March 3d, 1823, that an appeal may be had from any final decree or judgment rendered in the district court of the northern district of said State, before the passage of said act.

On motion of Mr. **McKean**, the bill for the relief of Thomas Williams, reported to this House on the 17th of January, 1823, but never acted upon, together with the petition and documents upon which the said bill was founded, was referred to the Committee on Private Land Claims.

Mr. **Mercer** laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House such part as he may not deem inexpedient to divulge, of any correspondence or negotiation which he may have instituted with any foreign Government, since the 28th of February last; in compliance with a request contained in a resolution of the House of Representatives of that date, relative to the denunciation of the African slave trade as piracy.

THE GREEK CAUSE.

The House then resolved itself into a Committee of the Whole, on Mr. **Webster**'s and Mr. **Poinsett**'s motions respecting the Greeks; when

Mr. **A. Smyth**, of Virginia, addressed the Chair. He said, that, being deeply impressed with the importance of the question before the Committee, he would solicit respectfully the attention of members, while he delivered his observations. [He then read the resolution offered by Mr. **Webster**, "That provision ought to be made, by law, for 'defraying the expense incident to the appointment of an agent or commissioner to Greece, 'whenever the President shall deem it expedient 'to make such appointment."] Before he proceeded, he would, he said, declare, in consequence of some remarks which had been made in this debate, that his feelings towards the honorable mover of this resolution, were those of respect, as well for his head as his heart.

Mr. Chairman: What are we called on to do? To acknowledge a new Power; to introduce a new nation into the great family of nations. It has been said, that this resolution is perfectly harmless; that it leaves the acknowledgment to be made by the President of the United States, to whom it belongs. I cannot agree that the resolution is harmless, or that it leaves the acknowledgment to be made by the President. It declares that provision ought to be made, by law, for defraying the expenses of a mission to Greece. Is not this an acknowledgment of the independence of Greece? Yes, sir; this is an immediate acknowledgment, and one of the most solemn kind. An embassy to Greece, sent by the President, with the consent of the Senate, would be a less solemn recognition of the independence of the Greeks; for, by this resolution, a law is to be passed by Congress, declaring Greece an independent Power. It will not only be an acknowledgment of a new Power, by Congress, but by the President himself, if he should approve the act, and yet the initiative, in making the acknowledgment, will have been taken from him. Should such a law pass, the acknowedgment of Greece, as an independent nation, is complete. The mischief, if it is a mischief, will have been done; and no subsequent prudence, on the part of the President, can avert the consequences, whatever they are to be. The nation must then be responsible.

Let us consider what will be the probable consequences of this acknowledgment. We must look into the history of nations. We are not to conclude, from the forbearance of Spain when we acknowledged the independence of her American provinces, that all other nations would be equally passive on a similar occasion. It is always a question of policy and descretion whether a government, which may deem itself injured by such an acknowledgment, shall, or shall not, resort to war. The cases from which we derive the most aid, in deciding what is the Law of all Nations in this particular, are the cases of the United Provinces of the Netherlands, when they revolted against Spain, and the case of these United States, during our Revolution. According to these cases, the acknowledgment of a new Power, during the civil war which follows the revolt of provinces against the mother country, by a third Power, is, to the mother country, cause of war. It will be recollected that, during the war of our Revolution, England made war on France and other European Powers for favoring us. [Here Mr. SMYTH read, from Marten's Law of Nations, the following passages: "Suppose that the interior troubles of a State come to an open rupture between the sovereign and his subjects, and that the whole nation, or a part of it, should wish to drive him from the throne; or suppose that a province, or territory subjected to another State, refuses obedience to it, and endeavors to render itself independent ****. With respect to the first of these, a foreign nation, not under any obligation to interfere, does not appear to violate its perfect obligations, nor to deviate from the principles of neutrality, if, in adhering to the possession, (without examining into its legality,) it treats as sovereign him who is actually on the throne; and as an independent nation, people who have declared, and still maintain themselves independent.**** In fact, whether we speak of the passive conduct observed in such circumstances, or of the succors furnished by foreign Powers, it is State policy that generally decides whether he who feels himself offended shall dissemble, or, at most, complain of the injury, or whether he shall seek retaliation by violent means.**** The conduct that Great Britain observed, particularly towards France, Spain, and the Pope, after the Revolution of 1688, and that which she observed towards several other Powers, after the colonies of North America declared themselves independent, may seem to illustrate this subject."] Thus we see that England several times declared war against nations for interfering between her and her former provinces, while she continued to make war, with a view to resubject them to her authority.

When a people have declared, and also maintained, their independence, they may be acknowledged as an independent Power without giving just cause of war to their former sovereign. Can that be affirmed with regard to the Greeks? By no means. They have not yet achieved, much less maintained, their independence. They possess the Morea, a small part of continental Greece; but the latest accounts inform us that they have been driven from Athens to take refuge in one of the islands. It might have been timely affirmed of some of the Spanish provinces, when their independence was acknowledged by us, that they had maintained it.

The honorable Speaker has observed, that we received from revolutionary France, ministers sent by kings, conventions, anarchy, and emperors, and therefore we may send a minister to revolutionary Greece. But Genet, Fauchet, and Adet, were ministers from undivided France; from the whole nation: from the Government *de facto* of an independent nation, at war with all Europe. They were not ministers from a revolted province, but from the nation whose governments were lawful, on our principles, as they were instituted by the nation. But no minister was received from either party while a civil war for the throne divided Spain.

It having been shown that the acknowledgment of a revolted province as an independent nation, by a third Power, while the mother country still carries on a war for the purpose of asserting a right to such province, would be considered a cause of war by the most civilized nations, can we doubt that it would be deemed cause of war by the Government of Turkey, the most violent and lawless of all Governments? The honorable member from Kentucky supposes that the resolutions of this body may remain unknown to the Turkish Divan. But it is not at all probable that a measure of this kind would remain long unknown to them. Some Power would immediately communicate our proceedings to the Turk, and explain to him, that, by them, we had violated the usages of nations. When we proposed confidentially, to the British Government, to acknowledge the independence of the Spanish American provinces, that Court, then less friendly, perhaps, to us, than at this time, immediately communicated our proposition to the Spanish Government, with a view, no doubt, to embroil us with Spain.

This proceeding would be a violation of our declared principles. The President has declared to the Allies, that "We should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies (meaning Greece) of any European Power, (meaning Turkey,) we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States. * * * * Our policy in regard to Europe, which was adopted at the early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is not to interfere in the internal concerns of any of its Powers. * * * * It is impossible that the Allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness. * * * * It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference." Such, sir, are the principles declared by the President in the name of the nation. We say to the Allies, that any attempt on their part to extend their system to any portion of this hemisphere, we shall consider as dangerous to our peace and safety. And is not the extension of our system to their hemisphere equally dangerous to their peace and safety? We say that, with the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. How can we then interfere with the Morea, a province of Turkey, without a violation of our solemn declaration? Sir, by this proceeding, you will make the declaration of the President, as to the future course of policy to be observed by this Government, a falsehood. We acknowledge the Greek republic; and what are the reasons which we assign for doing so? Why, because the allied sovereigns have said that the Greeks have thrown a firebrand into the Ottoman empire, and have declared that they would put down revolution in Europe. Is not this going out of our way to beard the Allies; to seek a quarrel with them respecting the affairs of Europe; and to propagate our system on the other side of the Atlantic? [Here Mr. Webster explained.] Mr. S. read from a newspaper the following passages from the speech of Mr. W. "Let us direct the force, the vast moral force of this engine, to the aid of others. Public opinion is the great enemy of the Holy Alliance. * * * * Sir, I am not of those who are for withholding aid when it is most urgently needed, and, when the distress is past, and the aid no longer necessary, overwhelming the sufferers with caresses. I will not stand by and see my fellow man drowning, without stretching out a hand to help him, till he has, by his own efforts and presence of mind, reached the shore in safety, and then encumber him with aid." [Mr. Webster again explained, and disclaimed saying that we should attack the Allies, because they said that Greece had thrown a firebrand into the Ottoman empire. Mr. S. replied. The gentleman did not exactly say so, but he stated certain facts which, as I understood him, afforded reasons why we should acknowledge the independence of Greece. He, Mr. S., had no wish to impute to the gentleman any argument that he did not use. The Committee would doubtless understand the gentleman according to his explanation.]

Another weighty objection to the resolution, Mr. S. said, was, that it was an interference with the Executive power. The people of the United States have separated the powers granted by them between the several branches of the Government. This proposition goes to blend those powers; and every attempt unreasonably to extend the powers of the Government, or to blend the powers of the several departments, tends to the destruction of the Constitution. This is an attempt to dictate to the Executive the performance of an act which the Constitution has confided to the discretion and information of the President. I need not, said Mr. S., read clauses from the Constitution, which has been laid on every gentleman's table. The President is authorized to receive embassies; this is one mode of acknowledging a foreign Power; he is also authorized to send embassies, by the consent of the Senate; this is another mode of recognising a foreign Power; he also, by the same consent, ratifies treaties. With all this the House of Representatives have nothing to do. If you have nothing to do with a treaty, why should you prescribe when, or to whom, an embassy shall be sent? The powers granted to you are purely legislative, with the exception of the power to declare war, which is elsewhere intrusted to the Executive authority. The foreign relations of the nation are confided by the people to the President and Senate, in whose superior information and discretion reliance is placed. If you interfere with the power to send and receive embassies, you may come into collision with the President, and you will blend powers which the people intended should be kept distinct. As the authority to send embassies belongs to the President and Senate, we should not invade their authority or originate a measure which, unless they will give up a part of their exclusive authority, they must reject. Your law is not necessary to enable the President to send an embassy; he is possessed of the authority already. If you pass the bill proposed, the President will not be left at liberty to decide freely. He must acknowledge the independence of Greece, or reject your bill. You place him in a painful dilemma; and, perhaps, compel him to use a prerogative seldom exerted. But suppose that, believing the measure to be improper, he puts his veto on the bill; still, two-thirds of both Houses may pass it into a law, and thus acknowledge the republic of Greece, against the opinion of the President, in whose discretion the people particularly confide, and thus defeat the provisions of the Constitution—a popular assembly, carried away by eloquence and a love of liberty, deciding, instead of the cool, deliberate caution of the President. If you can pass a law to send a mission when the President pleases, you can pass a law to send a mission next month. In either case, it would be the law that would make the acknowledgment. Your act being the supreme law of the land, the flag of Greece would be respected in our courts as the flag of an independent Power, whether the embassy was ever sent or not. We acknowledge the independence of Powers with whom we have no ambassadors.

The gentleman from Kentucky (Mr. Clay) declares that he is for leaving the whole responsibility with the President, where the Constitution placed it; yet, he advocates a measure which, so far as respects the act of acknowledgment, leaves nothing to the discretion or responsibility of the President, but takes from him the one and relieves him from the other. The act of Congress will be the acknowledgment, and not the embassy.

The Constitution has confided this matter to the President. If we take the first step, we take the honor, if it shall prove fortunate. Shall we consider him as responsible, if the measure shall be productive of evil, and yet assume to ourselves the honor of it, if it shall be productive of good? No. Leave the President to act for the nation, upon his own judgment and his own responsibility; and, if the measure deserves honor, let it be his. Let me notice a consequence of this irregular mode of proceeding. It is natural that a new Power should feel gratitude to the nation by which it is first acknowledged as an independent Power; but, by this course of proceeding, the individual who first brings forward the resolution for acknowledgment, though prematurely, takes the gratitude of the new people rather than the Government, which deliberates and defers the acknowledgment until the present time. But it is the nation, deciding by its Government, that is entitled to this gratitude; therefore, every attempt irregularly to divert the gratitude of a new Power, whether in South America or Greece, to an individual, instead of the Government, should be frowned upon in this House.

It may be useful to recollect what was done concerning the recognition of the Spanish American provinces. There it was attempted to take the initiative from the President. A proposition for their acknowledgment was made in this House years before the President thought proper to acknowledge their independence. Objections were made to the measure, founded on the Constitution and the law of nations; and the attempt was successfully resisted. The President, left to act on his own discretion and responsibility, made the acknowledgment in due time. Did not the President give satisfaction to the whole nation by his selection of the time for the acknowledgment of these new Powers? Yes; and it was much more clear, when the acknowledgment was made by the President, that new nations had maintained their independence, than it was when the acknowledgment was first proposed in this House. There seems to be no reason for attempting to take from the President a discretion which has been so well exercised. When attempts have been made to extend, without limit, the powers of this Government, it was hoped, that at least the division of power among the several branches thereof would be preserved; but it seems the partitions are to be broken down, and this House is to be the fountain of all power.

We are sitting in judgment on the Russian and the Turk. But what right have we to judge of their acts, unless they affect us? And we are about to take measures on our own behalf. What right have we to judge between the Turk and his revolted subjects, unless our own interest or safety is concerned? We should not take it well that our proceedings should be denounced by foreign Governments. We do not take it well that the Russian Minister, at the Court of Spain, denounces the United States as the source of all the evils which have disturbed the nations and sovereigns of Europe; and we should take it worse were the like denunciations made by his master. What have we to do with the oppressions of the Government of China, India, Turkey, or France, unless we are about to relieve the oppressed? We have nothing to do with the wrongs committed by other Governments against those whom they govern, but to avoid their example.

You profess to interfere on behalf of the Greeks for liberty and religion. What have you to do with the liberty of any people, except the people you govern, unless the subjection of a neighboring foreign people endangers your safety? You have nothing to do with religion, even here, and why should you meddle with it elsewhere? In a treaty made with one of those Turkish nations, during the Administration of Mr. Adams, it was explicitly and truly declared that the Government of the United States is in no respect founded on religion. The Turk may become a citizen of the United States, and have his mosque in our country, as well as the Jew his synagogue. You interfere for Grecian liberty, for the liberty of the descendants of the ancient Greeks, to whom you owe a debt of gratitude; but the modern Greeks cannot be identified with the people who produced Aristides and Socrates. Greece has been often conquered, and foreign people have planted themselves there. The modern Greeks are a religious sect, professors of the Greek Church. What entitles the inhabitants of Moldavia and Wallachia to the name of Greeks? They are so called from their religion, as the Emperor of Russia is styled Emperor of the Greeks. These people are descended from inhabitants of the Greek empire, and it is religion that separates them from the Turks. You interfere for the most degraded of the people of Europe, and the least fit for self-government.

Justice is not done to the Turk in this debate; but the author of evil himself is entitled to justice. It has been said that "the massacre of Scio is a scene without parallel in the history of fallen man." Atrocious as it was, there are many cases in ancient and modern times, of massacres far exceeding in atrocity the massacre of Scio. Far be it from me to offer any apology for acts that I abhor, but error should be corrected. To enable us to make a just comparison between the Turks and their neighbors, I will direct your attention to some massacres of the Russians in modern times. On the capture of Ismael, in 1790, thirty thousand Turks were massacred in cold blood, and the city given up to brutality. On the taking of Warsaw, in 1794, nine hours after the place was taken, it was set on fire, and nine thousand unarmed persons, women and infants, perished in the flames. These exploits were performed during the reign of the august lady who has been mentioned in this debate; and by Suwarrow, who afterwards became so great a favorite in this country that several articles of dress, some of them belonging to the fair sex, were called after him. A massacre in Cyprus has been mentioned; this reminds me of the massacre in the same island by the Jews of two hundred and forty thousand Greeks, many of whom perished by tortures. When the Christian Ostrogoths took Milan, they massacred all the males, and sent three hundred thousand females to their allies, the Burgundians. We have been carried on a crusade to Jerusalem, to recover the holy sepulchre. It may be well to consider the achievements of the former crusaders. When they took Jerusalem, seventy thousand Moslems were put to the sword, and the Jews were shut up in their synagogues, and burned! Sir, uncivilized men, of whatever faith, are the same. It is civilization, and not superstition, that makes man humane and merciful. The Turks are equally good, and equally bad, with Jews and Christians who are equally uncivilized.

In religion, the Turks are more tolerant than their Christian neighbors. It has been said in this debate, that seven millions of Christians, of the Greek church, are found in the Turkish empire. This proves that the Mahometan is more tolerant than the Holy Catholic Church. Where will you find seven millions of dissenters in a Catholic country? Go to Portugal, to Spain, to Italy, to Austria, even to France, you will not find that the same toleration has been allowed as in Turkey. The Mahometan conquerers offered a double alternative, the Koran, the tribute, or the sword. It was not so in Catholic countries. Remember the extirpation of the Albigenses—the persecution of the Netherlands, under the Duke of Alva—the expulsion of the Huguenots from France—the expulsion of the Moors from Spain—the Inquisition—and it will be obvious that a comparison between the tolerance of the Turks and the Catholics, is altogether in favor of the Turks.

Sir, the present is a time of imminent danger, and, therefore, a time for caution. Remember the words of Washington: "Why quit your own, to stand on foreign ground?" Meddle not with Greece. I tell you, that Greece cannot exist as a Republic; and if allowed to become a separate nation, under a prince of her own, it must be under the control of Russia. From the position of Greece, between Russia, Austria, and Turkey, it cannot maintain itself as an independent nation. The revolt of Greece would not have been allowed to continue until this time, but that Austria and Russia cannot agree what shall become of that country, which each of them desires to possess. Can it be supposed that the allies, who are not disposed to allow the independence of South America, who scarcely tolerate us, will permit two or three millions of half civilized people, in their vicinity, to form a Republic? It is not to be expected. The most that can be done for the advantage of the Greeks, is to assist them to obtain favorable terms from the Turks. Our interference may furnish a pretext to men of blood—to come upon us; and, whatever may be said of the strength of the United States, I am not for exposing it to trial, in a contest with the allies.

The extensive and enlightened view of the policy pursued by the Allied Powers, taken by the honorable member from Massachusetts, (Mr. Webster,) authorizes a few remarks upon the same subject. It seems to me that our policy is to give no reasonable cause of offence, and to stand on our guard. It belongs to England to interfere with Greece, or the Allies; and if she is involved in a war with the Allies, for the independence of nations, we ought to give her assurance that we will not be neutral, but will give her faithful and honorable support. If we are to be engaged in war with all the Powers of Europe, it may be better to begin while we can have allies in the Spanish American nations; for, it will be obvious, if the Allies attack them, that nothing is intended for us, but the favor of being the last destroyed.

The cause of freedom, the hope of mankind, depends on the ultimate success of the hitherto successful experiment in the science of government, making in the United States. When we consider the importance of the interests confided to us, it must appear unpardonable wantonly to hazard the success of that experiment. If there be a mode of destroying civil liberty, it is by leading this Government into unnecessary wars. There can be no increase of the happiness of this people. Individuals may experience wants; but, as a nation, we have nothing more to ask of Heaven. All we have to ask of other nations is, friendship and "let us alone." What shall we deserve if, without necessity, we plunge this happy people into war and distress? Whatever may be said of the valor of our people, and the glory of the nation, I should be very unwilling to engage in a war with Europe. We might defend ourselves. I think we should successfully defend ourselves. I am no prophet of evil. We do not act on our own responsibility; we act for an immortal people. This people are to be immortal; but whether in freedom or abject subjection, is uncertain. This people are to be responsible for our acts, with their treasure and their blood. I am not disposed to bring upon them a trial, such as Spain passed through, in the war waged against that nation, for the purpose of placing Joseph Bonaparte on the Throne.

England and the United States seem to me to have a common interest to resist these unholy Allies. There are now only two Powers in Europe—England and the Allies. If Greece can become an independent nation, let one of them take the first step in the recognition. The Allies are ruled by Russia. England holds the fate of the world. Calculating on her policy, I think she will, she must, make a stand against Russia. As England cannot become the head of the Alliance, her pride secures us. She might become one hand of the Alliance, allowing France is to be the other, and Russia the head; but that situation would not gratify her pride. England will make a stand against the Allies, and we should support her. But she will not strike for Greece; she will pursue another course of policy, and with good reason. It is the interest of England to prevent the extension of Russian power. To prevent this extension, it is necessary that the Turkish Empire should be maintained one and indivisible. England may strike for Turkey, because, with English aid, Turkey may stand against Russia. England will, if necessary, strike for the independence of the new nations of Spanish America. She will not suffer the Allies to add them to their confederacy, or Spain to blot them from the map of the world. My enmity to England has been very steady for many years, but it shall cease if England takes up arms for the independence of nations. England and the United States can secure the independence of nations. Whether the United States, without England, could, must be proved by time.

Let us leave the fate of Greece and of Turkey to England. If it is the interest of England that the Turkish Empire shall remain undivided, it is ours. If it is the interest of England that Turkey and Persia should be at peace, because their wars endanger the religion of Islam, it is ours. England and the United States have now a common cause and a common interest. Russia is now the great enemy of the independence of nations and of free institutions. England will not acknowledge the independence of Greece, for that would divide and weaken the Turkish Empire; and what will then stop the progress of Russia? Neither Persia nor India. Russia will establish an empire greater than the Roman, in the zenith of its power; from the authority of which, it will be in vain for man to attempt to escape. Sir, our course, I think, is plain. Let us be moderate and just. Let us offer no aggression; throw out no menaces, and give the Allies no pretext to quarrel with us.

When Mr. Smyth had concluded—

Mr. Rich, of Vermont, said such were the arguments which had been employed, both for and against the resolution, and such the feelings with which they had been urged, that, although nothing was proposed but a small appropriation, to be expended in the discretion of the Executive, it was impossible that it should be considered in any other light than a kind of protest against the doctrine attempted to be established by the Sovereigns of Europe. If, said Mr. R., gentlemen are disposed to bring forward a distinct proposition for such a protest, he at present saw no cause for an objection. But it appeared to him to be now too late to make it in reference to an isolated case—be the oppression on the one hand, and the effort for liberty on the other, what it might.

A few years since, said Mr. R., we saw these new doctrines extended to France, and her ruler expelled his country. We saw the same ruler expelled a second time, after an exhibition of the most triumphant proof, that, in all France, "legitimacy" had not a single bayonet willingly devoted to its cause. We saw, in the final exile of Napoleon, an indignity offered to the whole civilized world, of which the annals of oppression furnish no example; and, more recently, we have witnessed an unholy triumph of the "Holy Alliance" over Spain; and yet our protest has been withheld. But, he added, if gentlemen think proper to adopt a protest, let them bring it forward as a distinct proposition, which cannot be misunderstood. Should the question, said Mr. R., be pressed to a decision, whether that decision be for or against the resolution, such is the state of public feeling that it will be a subject of universal regret if the majority shall be but small. Mr. R. concluded his remarks with saying that he would respectfully suggest to the Committee, whether, considering the diversity of opinion which was known to exist, it would not be advisable to rise without taking the question, either on the amendment offered by the member from South Carolina, or the original resolution. And with an understanding that, unless in the course of the session, something should occur to create greater unanimity, the subject should not be further pressed upon their attention. In order to obtain the sense of the members on this point, Mr. R. said he would move that the Committee rise, and he submitted that motion.

Mr. Wright requested the member from Vermont to waive his motion till he could submit an amendment to the amendment of the member from South Carolina.

To this Mr. Rich assented, saying he presumed, when the amendment should have been offered, the floor would be yielded him to renew his motion for the Committee to rise.

Mr. Wright then moved the following amendment to the amendment of Mr. Poinsett, viz: Strike out all after the words "Resolved that," and insert the following: "Provision ought to be 'made by law for defraying the expense incident 'to the appointment of an agent to Greece, when-'ever, in the opinion of the President, such an 'appointment shall be deemed proper and expe-'dient, consistent with the neutral character and 'pacific relations of the United States."

Before any question was taken on this amendment,

Mr. Rich renewed his motion for the Committee's rising, which was carried—ayes 131.

The Committee then rose, and the House adjourned.

Tuesday, January 27.

Mr. Webster, from the Committee on the Judiciary, reported a bill, more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. Vinton, from the Committee on the Public Lands, reported a bill to provide for repaying to Bazaleel Wells a certain sum of money, by him erroneously paid into the Treasury; which was read twice, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. Mercer, calling on the President for certain information touching the suppression of the slave trade, was called up, and agreed to.

Bills from the Senate, of the following titles, to wit:

1st. An act for the relief of the legal representatives of Firman Le Sieur;

2d. An act for the relief of Celestin Moreau, of Louisiana;

3d. An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; were severally read the first and second times, and referred; the

1st, to the Committee on the Public Lands;
2d, to the Committee on Private Land Claims;
3d, to the Committee on Naval Affairs.

On motion of Mr. Owen, the Committee on the Judiciary were instructed to inquire into the expediency of passing a law, expressing the consent of the General Government to the revocation of so much of the ordinance adopted by the Convention of the State of Alabama, as relates to the navigable rivers within said State, or to such a modification thereof as will enable said State to effect the improvement of its navigable waters: And further, to grant the consent of the General Government to the provisions of two acts passed at the last session of the Legislature of Alabama, one entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters," and the other, "An act to improve the navigation of the Tennessee river."

On motion of Mr. Livingston, the Committee on the Post Office and Post Roads were directed to report on the propriety of establishing a more direct communication between the Seat of Government and the city of New Orleans.

On motion of Mr. McArthur, the Committee on Military Affairs were instructed to inquire what further improvements, if any, ought to be made in the rifles, muskets, and other public arms, manufactured at the different armories of the United States.

On motion of Mr. Test, the Committee on the Public Lands were instructed to inquire into the expediency of passing an act, authorizing a patent to issue in favor of William Conner, in severalty, for six hundred and forty acres of land, lying on or near White river, in the State of Indiana, at a place called the Delaware towns, and entered by the said William Conner in the land office at Brookville; which land was granted to him by Congress, for his aid and assistance in effecting the several treaties with the Indian tribes, for the extinguishment of their titles to lands in the States of Ohio and Indiana, concluded at St. Mary's, in the State of Ohio, in the Fall of the year 1818.

The House went into Committee of the Whole, on the bill for the relief of John Michael; and, after several amendments, it was reported, and ordered to a third reading.

The House went into Committee of the Whole, on the bill to authorize the sale of lands conveyed to the United States in certain cases, and for other purposes; which, after some discussion, was reported with an amendment; on the question for its passing to a third reading, Mr. Foot, wishing for further consideration, moved that it lie on the table; which was agreed to.

REPORT OF POSTMASTER GENERAL.

The Speaker laid before the House a report of the Postmaster General, of such "further measures as are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," prepared in obedience to a resolution of the House of Representatives, adopted at the last session of Congress; which report was read, and laid on the table. It is as follows:

Post Office Department, *Jan.* 24, 1824.

Sir: In obedience to a resolution of the House of Representatives of the United States, at their last session, which "directed the Postmaster General to report, at an early period of the next session of Congress, what further measures are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," I have the honor to report, that the present mode of compensating deputy postmasters, by giving them a graduated per cent. upon moneys received by them, is believed to be, in most cases, the most equitable that can be adopted. So far as this compensation extends, it is generally proportioned to the labor required, and the responsibility incurred.

Deputy postmasters, with a few exceptions, receive less for their services than any other officers of the General Government. But, as competent persons to discharge the duties of postmasters have been found willing to serve, in every part of the country, and as the present embarrassment of this Department requires the utmost economy in its expenditures, it is believed that the public interest would not, at this time, be promoted, by a general increase of their compensation. A small addition of pay to each postmaster would afford but little benefit to the individual, whilst it would take from the receipts of the Department an amount so considerable, as to render an appropriation from the Treasury indispensable. There are, however, some post offices, where the labor is great, and the perquisites so small, that, unless some additional compensation be given, it is feared competent persons cannot long be found to discharge the duties.

I have endeavored, though unsuccessfully, to fix upon some rule, which would give additional compensation, where it seems to be indispensable, without extending the provision so far as to render the amount objectionable. It is believed that no provision can be made, embracing a class of cases, so as to give an increase of pay, in the just proportion which the services require.

There are several hundred offices at which packages are distributed, for which no additional compensation is given. In some cases this duty is very laborious, whilst the perquisites of the offices are very small. An increased per cent. upon the moneys received by each, would not graduate the pay in proportion to the service required, as, at some offices, which receive not more than one hundred and fifty dollars, this service is as laborious as at others, where more than a thousand dollars are received. If, in such cases, an increase of ten per cent. were given, the compensation to some would be more than six times greater than to others.

More than seventy offices distribute packages after ten o'clock at night, and before five in the morning. Postmasters who discharge this duty, are entitled to consideration, not only on account of the labor which they perform, but the unseasonable hours in which they are required to perform it. But, in these cases, an additional per cent. on the moneys received, would not do equal justice, as the disproportion for compensation, for similar services, would be as great as above stated.

A specific sum, given to each postmaster for this service, would not compensate in proportion to the labor performed, as the labor at some offices is ten times greater than at others.

If the means of the Department would authorize the measure, an increase of pay to postmasters who separate packages, and to some others, would be neither unjust nor impolitic; but, at present, it seems to be necessary to confine any provision for an increase within very narrow limits.

On a full consideration of the subject, it is believed that a special provision, in each case where an increase of pay shall be deemed indispensable, can be made with more justice to the postmaster, and less injury to the revenue of the Department, than any other mode which can be adopted.

Which is respectfully submitted.

JOHN McLEAN.

Hon. HENRY CLAY,
Speaker House of Representatives.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to postpone the order of the day to take up the bill for obtaining the necessary survey, &c., on roads and canals. The motion was carried—ayes 105.

Mr. McLANE, of Delaware, addressed the Chair as follows:

If the gentleman on whose motion the Committee last rose, and who, for that reason, had been expected to renew the debate, were now in his seat, I should certainly not interfere with his right; but, in his absence, I beg leave to offer a few considerations, in support of the power of the General Government to lend its aid to the making of roads and canals.

The bill, now under consideration, proposes merely an appropriation of money for certain surveys, to be made under the direction of the President of the United States, and might, therefore, be sustained upon grounds which the most sceptical would scarcely controvert; but, as it has been met by the general Constitutional objection, and, as I am willing to treat it as a step in the progress of internal improvement, I feel no inclination to shrink from the topic thus presented. Besides, the expediency of incurring expense in procuring surveys of the country without the power of afterwards using the information thus acquired, might well be questioned.

In entering upon this discussion, every one must be sensible of the disposition, existing in many sections of the Union, to narrow the powers of the General Government as much as possible: and it cannot be disguised, that it has never been permitted to adopt any measure, not forced upon it by the most urgent and imperious necessity, even to the creation of a corporation, without a long and labored investigation into its Constitutional functions. Under a spirit of jealousy, so keen and vigilant, no serious usurpation need be apprehended; and if there be any danger in all this, I rather think it lies in a different direction.

I am not disposed to complain of this temper, however; but, on the contrary, would cherish it. I have great confidence in the sober good sense of the people of the United States, and, so far as our frequent discussions here are calculated to explain to them the different views which are entertained of the nature of our Government, they will learn to think and investigate for themselves, and be finally conducted to a true interpretation of its principles. If our powers be found too narrow for the public exigencies, they will enlarge them; if we exceed our bounds, they will bring us back to our proper sphere. We should bring with us, however, into all these deliberations, a disposition to ascertain what the Constitution really is, rather than a determination to make it what we desire it to be.

Upon this, as on every other like occasion, the advocates of the power of the Government have been compelled to discuss and establish all its elementary principles—nothing is taken as settled: precedents go for nothing; and all previous acts are founded in usurpation. We are reminded that the Government is a limited one; that we have no powers that are not expressly granted; that all others are reserved to the States and the people; and that, as the power to make roads and canals is not expressed, it does not exist. Some of these propositions no reasonable man would question; but one would suppose it was too late in the day to contend that this Government may not exercise any, and very important powers, that are not expressly given; and yet this is asserted, and must be disproved.

The true question must always be, what powers are fairly deducible from a reasonable interpretation of the instrument by which they are defined; and I am free to say, that the nature of the system, the diversity of objects and interests for which it is provided, and the variety of circumstances through which it must pass, demand a liberal interpretation. The observation has already become stale, that the principal objects only, for which this Government was created, could be expressly defined, and that the great mass of powers, be they large or small, which are to be employed as the means necessary to accomplish those objects, could not be enumerated or expressed, but were necessarily to depend upon circumstances, as they should arise.

I concede to gentlemen, that ours is a limited Government; limited as to the objects confided to its administration; but as to objects clearly within the sphere of its jurisdiction, its authority is supreme, and unlimited, as to means necessary for their accomplishment, as the government of any State in the Union, or of any nation in the world; unless, in some particular instances, in which the means are expressly restricted. Need I refer to examples in proof of this position? Let gentlemen advert to the power, in Congress, to coin money—what means may this Government not employ, in executing this power, which any other nation may use, as necessary to the attainment of the end? On our power to punish the counterfeiting of the money of the United States, where is the restriction? Do we not define the crime, graduate its enormity, and carry home the punishment, even to the life of the offender, according to a discretion as unlimited as can be exercised by any other power? I ask gentlemen to consider the war power of this Government, and to tell me, wherein we are limited, either as to the propriety of beginning, or the means proper to carry on, hostilities, after they are commenced? What may we not do, in the exercise of this power, which the exigency of the occasion requires at our hands? Excepting the power to raise armies, and build a navy, scarcely any other incident to the war power is specified in the Constitution; and yet there is nothing which any nation ought to do, to make their warlike attitude effectual, and promote the safety and honor of the country, that it would not be our duty to perform.

But the gentleman from Virginia, who opened this debate with so much of his usual ability, (Mr. Barbour,) does not deny to us the use of means, but assumes a distinction between national and municipal jurisdiction, on which, if I understood him, he placed his chief reliance. The gentleman says, the General Government can exercise no municipal powers, that are not expressly given.

So far as the distinction applies to the principal objects of the Government, I admit it to be true, but I apprehend that, as it regards the means by which those objects are to be effected, it will be found to be altogether gratuitous. It is a distinction, no where recognised in the Constitution, which, on the contrary, expressly confers the power of passing all laws which may be necessary and proper to carry into effect the defined powers of the Government. The character of the means must correspond with the nature of the object to be effected, and may be municipal or otherwise, as the occasion requires. The powers of this Government are of two classes, national and municipal; the first having reference to the foreign relations, and the other to the domestic concerns of the country. All the powers of internal police, which are not a few, are necessarily municipal in the proper and strict meaning of the term.

In regard to some of the objects I have already adverted to, our power is strictly municipal, and cannot be executed without municipal legislation, and to these may be added, the power of taxation, which, if it be not a municipal power throughout, I would thank any gentleman to tell me what it really is. If these be municipal powers in the States, by what metamorphosis do they take a different character, when exercised by Congress, whose power, emanating from the same source, differs only in the extent of its jurisdiction? I put the question to the honorable gentleman from Virginia, if, in the pursuit of a given object, municipal authority be indispensably necessary, can it be denied? If, in executing the high duties committed to its trust, this Government cannot act without municipal means, must it, because they are such, discard their employment, and be stayed in its progress, for the want of the most ordinary power? If, in regulating the coin, we cannot get on without municipal authority, are we to leave it without any regulation? And if we can exercise such authority, in any one case, where is the limit? The distinction, to be good for any thing, must avail throughout. If it fail in any case, its existence is imaginary, and we may employ all the means, which may be necessary and proper, for the attainment of the object. The fallacy of this distinction, so much relied upon, will be yet more apparent, when we come to consider the particular clauses in the Constitution, which confer the power in question.

Various parts of this instrument have been relied upon, as furnishing the power over roads and canals; and though I am not called upon to admit or deny the propriety of all the deductions, I can well suppose that the authority may be necessarily incident to more than one power of the same Government. I do not design to consider all the sources from which this authority may be derived; it will be sufficient for my argument, if I can satisfactorily trace it to one, and I have no strength to waste in any unnecessary display. I must beg leave, however, to disclaim all reliance upon the preamble to the Constitution, as conferring any power; and I am also free to concede, that the clause authorizing the raising of revenue, to provide for the common defence and general welfare, does not, in my opinion, afford it. It is true, we are authorized to provide for the common defence and general welfare, but we are to do this by a wise and faithful exercise of the powers granted us by the Constitution; and unless the power to make roads and canals be elsewhere given, or necessarily results from some other power, we cannot assume it, by appropriating money to objects not confided to us.

From the best consideration I have been able to give this subject, I think the power over roads and canals is incident to, and faithfully results from, the commercial power of the Government.

The Constitution provides that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Whatever diversity of opinion may exist as to the range of the powers here delegated, it cannot be denied that they are paramount and supreme over the objects embraced by the clause, and may be exercised by Congress whenever it shall think proper, to the exclusion of all local authority. It is equally clear that the commercial power is the most important in its creation, and the most minute and extensive in its operation, which can belong to any Government. It regards the enterprise, industry, occupations, and property, of every man, and constitutes one of the principal objects of civil government. Who does not perceive, too, that the power here given over the internal commerce of the United States, is peculiarly of a municipal character? The power of directing their daily intercourse, regulating their industry, and connecting itself with all their pursuits!

Let me then ask the honorable gentleman from Virginia, (Mr. BARBOUR,) what becomes of his municipal limitation? Here is a municipal power expressly granted, and for municipal purposes. If the principal power be, in its nature, municipal, may it not, nay, must it not, be executed by municipal means? How can the Government act upon the objects of this power, but by municipal legislation? No one denies us the right of passing laws of inspection, in regard to the domestic commerce—and what is this but municipal legislation? May we not define and punish violations of our regulations, and do not the definition and punishment of crime constitute one of the highest attributes of municipal and sovereign jurisdiction? It is manifest, therefore, that in relation to the power delegated by this clause, the distinction utterly fails. Congress may employ municipal means subject to no other limit than that prescribed by a judicious discretion. Sir, I contend that this power was confided to the General Government for great and wise purposes; to cherish the resources and promote the industry of a growing and extensive empire, and must be exercised by the ordinary means, for the attainment of those purposes.

The question then is, Mr. Chairman, what is the extent of the power granted to Congress by this clause of the Constitution?

I will not detain the Committee in any philological examination of the phraseology of this clause. The subject soars above any such disquisition. I contend, that, from the nature of the subject, and the structure of the Government, it confers to Congress the whole commercial power over the trade among the States, which could have been previously exercised by the States themselves, in relation to this subject. Less power than this would be insufficient for the attainment of the objects of the Government.

The plain import of the term "regulate" is, to afford reasonable facilities. It implies a complete control over the subject; the power of securing to the people of one part of the Union the right of carrying on commercial intercourse with any and every other part, and of affording and preserving the means of intercourse, independent of all interference by any local authority. It intended to extract the commercial power previously distributed among the component States of the Union, and concentrate it in one arm, to be employed with united efforts for a common and general end. It meant to make the commercial intercourse of the thirteen separate States, that of one nation, subject to one and the same Government, and when it transferred the subject itself from all these States, it accompanied it with the same means which those States, combined, might have employed to regulate it, among themselves. If it did not mean to do this, I think it will be evident, from a consideration of all the parts of the Constitution, that the commercial intercourse among the States of this Union, is less protected, and in a worse situation now, that it was before.

It has been insisted, however, that the power to regulate commerce confers merely a fiscal authority, and was designed to prevent preferences in behalf of the trade of one State, through the medium of discriminations, to the prejudice of another. I will not deny that this was one object of the power; but it would be unworthy of the subject to say that it was the only one. The power to regulate commerce would undoubtedly imply an authority to encumber it with duties and burdens, and it would be strange if it could encumber, and yet not facilitate. But this branch of the power to regulate commerce, which would otherwise have resulted, is taken away by another part of the Constitution, which forbids Congress to levy any imposition upon the exports of a State, and on the imports into one State from another. We can give no preferences—and the States are also prohibited, by an express clause, from exercising similar powers. To ascribe to this clause, therefore, no other object than a mere fiscal authority, would be to make it entirely supererogatory; it would be worse—it would be a mere passive, dormant authority—an instrument taken from the States and transferred to the General Government, to be used by neither. But the States did not mean to abandon their commercial industry to the mercy of chance; on the contrary, they intended to remove it from the superintendence of disjointed councils, and place it under the auspices of a united and efficient government. The terms "to regulate," imply a vigilant and active power, to be exerted according to the exigency of the occasion. Not a power merely to ward off injuries from others, but also to afford facilities ourselves, whenever the wants and condition of the country require them at our hands. The power of doing, by the exertion of the national will and resources, that which could only have been accomplished, anterior to the Union, by the concurrence of two or more of the State sovereignties.

Without meaning to violate my promise not to engage in verbal criticism, but to illustrate the extent of the power in Congress, in relation to commerce among the States, let me, Mr. Chairman, refer gentlemen to the power exercised under this word "regulate," in regard to the commerce with foreign nations. It must have the same meaning in both instances, and must confer the same degree of power in one case as in the other.

Of commerce with foreign nations, a fiscal authority is not only a legitimate regulation, but is an ordinary source of revenue, and would, therefore, from the reason of the case and the necessities of the Government, naturally fall within the clause; but no one ever dreamed that the power of Congress was confined to this limit.

In virtue of our power to regulate commerce with foreign nations, we lay an embargo and prohibit the intercourse altogether, as well of vessels as merchandise. We erect lighthouses, and provide beacons and buoys to conduct the mariner into our rivers, and lead him in safety over the shoals and obstructions which lie in his path. If we do not make him a way over the ocean, we guard that way with fleets and convoys, and shield him from the depredation of enemies and rivals. Under the same power, we establish ports of entry and for unlading; we erect public custom and warehouses; we may provide a system of quarantine laws, and we have enacted laws for the saving and preservation of wrecks and property stranded upon our shores.

In short, we have, throughout our system of legislation, exercised a complete authority over the whole subject, and have never failed to afford it all necessary facilities in every part. By what rule of construction, give me leave to ask, can the same power, which is admitted to be unlimited in regard to our foreign commerce, be restricted to a mere imaginary superintendence, in relation to the trade among the several States? Lights and beacons offer a guide and facilities only to that portion of our commerce which passes over the waters of the United States; but what is to become of that class of merchants who are obliged to plod their way over the almost impassable mires and mountains of the interior?

If, therefore, the power to regulate commerce gives to Congress the whole commercial authority over the commerce among the States, it includes the power of affording all necessary facilities to the intercourse. This includes the right of way—of transit—the right of passing over and through the territories of one or more of the States to any part of the Union. In this is involved the whole power contended for. If the right of carrying on commerce includes the right of way, the power over commerce necessarily involves a control over the right of passage—the power of preserving, of regulating, of providing it. Suppose this passage to be denied, or the way to be obstructed, may we not open the passage and remove the obstruction? If there be no way, and the local authority refuse, or be unable to afford it, may we not provide one? All admit that no one State can impose duties or burdens upon merchandise, on its passage through its territories; but, if it cannot embarrass its transit by duties, it would be absurd to suppose it could exercise the higher power of absolutely shutting out the intercourse. And why is the exercise of such an authority denied to the States, but because they have surrendered their power over the commercial intercourse of the country, and transferred it to the General Government? Can gentlemen doubt the control of this Government over the right of way, for commercial purposes? Let me state an instance in which the power of Congress would apply; and, because I am more familiar with it than any other, I beg leave to refer to the river Delaware. It is known that this river passes through the territories of Delaware, Pennsylvania, and New Jersey, and that each of these States claims a certain jurisdiction over it. It is a highway for the commerce not only of these, but of other States, North and South, whose citizens may desire to push their enterprise in that direction. Will any gentleman pretend that either Pennsylvania, New Jersey, or Delaware, can deny to the commerce of any part of the Union a passage over this river to any point of destination? Suppose, however, its navigation to be obstructed, or otherwise so hazardous as to prevent all intercourse through this channel, and the States claiming the jurisdiction decline, or are unable to obviate the difficulty—why may not Congress interpose and afford the facilities necessary for the commercial intercourse of all the States who desire to engage in it?

The case here supposed is a fair illustration of the power of Congress over this subject, and should quiet the apprehensions of gentlemen of any encroachment upon State rights. It is not an interference with the internal police of any one State, nor is it the power of regulating the local commerce between different points of a State, by its own citizens; it steers clear of all these concerns, which, for the purposes of the argument, may be left under the undisturbed control of the State government. But it is the higher and more extensive power of facilitating the commercial intercourse "among the several States," and between the various and different sections of one great empire; a power, let it be remembered, which the States are under no obligation to exercise, and which would require the concurrence of more than one to execute.

The power of regulating the internal commerce of any one State with the different parts of its own territories may be vested in its local Legislature, but the power of regulating the commercial intercourse throughout the Union, of obliterating geographical distinctions in relation to this intercourse, and of affording it facilities in each and every direction, exists nowhere, unless it be in Congress. It is a power which could have been exercised antecedent to this Government only by treaty between two or more of the States, and as, by the present Constitution, the States are prohibited from entering into treaties, unless the power be now in the General Government, it is utterly extinct. Besides, sir, how can it be expected of those States, intervening between the Eastern and Western or Northern and Southern extremities of this great nation, to furnish the facilities of intercourse with each of these extremes? Certainly, they are under no obligation to provide them, and if their immediate interests do not require it, it is no cause of complaint if they fail to do so. Sir, it was to obviate such difficulties as these that the control over the general commerce of the country was vested in the United States for general rather than local purposes. As this power resided in no individual State, prior to the Constitution, it is emphatically an attribute of the General Government; it is a creature of the Union, sprung up with its existence, and must be co-extensive with its territorial jurisdiction. It results from the new formation of the powers of the Government, and is necessary to the faithful discharge of its duties. Can it be maintained that the General Government shall be dependent, for the execution of so essential a power, upon the prejudice or parsimony of any local authority, or was this high power confided to us for empty purposes, to lie inactive in our hands—a great colossal statue, bestriding the States of the Union, a monument of its own insignificance?

The honorable gentleman from Virginia, in attempting to limit our commercial power to mere fiscal regulations, has supported his position by a reference to the commentary by the writers of the "Federalist," recommending the Constitution to the adoption of the American people; and, with this view, read that part of their commentary relating to this clause. I should be the last to undervalue the merit of this work, or the worth of its illustrious authors; but surely no gentleman will seriously contend that this Government can exercise no other powers than such as are specified in those numbers. It should be recollected that these writings were designed to recommend the instrument to the people, and therefore pressed upon their attention such arguments only as would be most likely to secure their approbation, rather than unfold all the consequences which would follow from its provisions. They might not choose to express all that would be fairly involved, or, what is more likely, they did not foresee the full extent of the grant. Wise and great as were the framers of the American Constitution, and the authors of the Federalist, they were incompetent to such a task. No man can suppose that it was within the reach of human sagacity to enumerate or foresee all the powers which it might be necessary and proper for this Government to exercise in the progress of events; and, if it could do no other act than such as may have been in the contemplation of those by whom it was established, it would be the weakest of human institutions. It could neither accommodate itself to circumstances, profit by the wisdom of experience, or keep pace with the progress of the nation. The framers of the American Constitution designed only to mark the general limits of a vast system of government, which they hoped would be perpetuated to endless ages, and pass through all the variety incident to national existence. They did not pretend to delineate all the details of its action; they gave it in the best language they could employ, and left us to infer their meaning according to the known and established rules of interpretation, according to the exigencies of the times. But, sir, it will be found, upon examination, that the commentary referred to by the gentleman from Virginia is not less comprehensive than I have supposed our powers to be. It is true, that, in the paper read by the gentleman, it is said, "a very 'material object of this power was the relief of 'the States which import and export through 'other States, from the improper contributions 'levied on them by the latter;" and this, no doubt, is so; but it by no means follows that this single material object was the only one to be effected, and which, from other clauses in the instrument, would have followed without this provision. In the same number, quoted by the gentleman, the extent of this clause I am now considering is more fully explained; and it is there said, "the necessity of a superintending authority over the reciprocal trade of confederated States has been illustrated by other examples as well as our own. 'In Switzerland, where the union is so very slight, 'each canton is obliged to allow to merchandises 'a passage through its jurisdiction into other cantons, without an augmentation of the tolls." It is therefore manifest, that a power of enforcing the right of passage was evidently embraced by this clause, and it is equally manifest, as I have already shown, as I hope, that this right comprehends the whole argument.

But, Mr. Chairman, if we are to depart from the plain import of the words used in the Constitution to search for its meaning, a much more legitimate rule of interpretation would lead us to inquire into the evils existing anterior to its adoption, and which it was designed to obviate. We all know that considerations connected with the commercial interests were the most powerful inducements to the present form of Government. A divided empire over the commercial intercourse "among the several States," and the imbecility of the old Confederation over the same subject, were the principal defects of that system, which ultimately led to its dissolution and the erection of the present Constitution upon its ruins. The great object was, to take from the several States the whole commercial power over this branch of commerce, and confide it to a single Government. In the sixth number of the *Federalist*, the object is emphatically stated to be to divest the States of this power to prevent the evils of "rivalships and competitions of commerce between commercial nations;" and every one must perceive that these rivalships would be as likely to interrupt the intercourse by actual obstructions as by the less effectual expedients of discriminating impositions. In the eleventh number of the same commentary, the utility of the commercial power in Congress is thus explained: "An unrestrained 'intercourse between the States themselves will 'advance the trade of each, by an interchange of 'their respective productions. The views of commerce in every part will be replenished, and will 'acquire additional motion and vigor from a free 'circulation of the commodities of every part. It 'may, perhaps, be replied to this, that whether the 'States are united or disunited, there would still 'be an intimate intercourse between them, which 'would answer the same end. But this intercourse 'would be fettered, interrupted, and narrowed by 'a multiplicity of causes." Is it not evident from all this, that intercourse among the States, free from all restraints and interruptions, in whatever manner they should be interposed, was the object of the power And how can this be effected, without authority in Congress to prevent interruption and provide the means of intercourse? If, without this clause, the States had the power of interrupting the intercourse in future commercial sovereignty, they had the power also of providing the means of carrying it on; and if they have been deprived of the former, and have parted with their control over the subject, by what process of reasoning can it be maintained that they have retained the latter?

I assume it to be proved, then, Mr. Chairman, that the whole power over the commerce "among the several States," is vested in Congress, and that we are bound to employ all the means which are necessary and proper to make it effectual, and to conduce to a free and easy intercourse.

I admit, that the means to be employed must have a natural, an appropriate, and even a necessary relation to the end proposed to be attained. They should naturally and directly promote, and be immediately subservient to, the great object in view. But I deny, as has been contended, that they must be absolutely indispensable, or the only means which could be employed in relation to the object. Such never could have been the intention of the Constitution, which, upon such principles would leave the Government without discretion or responsibility. If this doctrine were true, instead of composing Congress, as we now endeavor at least to do, with the virtue and intelligence of the nation, by men distinguished for their knowledge and sagacity, we should select such as are ignorant, and of narrow views, the instruments of a blind impulse, and to be moved only by some stern irresistible necessity. Under such a doctrine no act of legislation would be safe; for though at the time, it might be supposed to be absolutely necessary, yet, if subsequent experience should prove it otherwise, the acts would, for that reason, be unconstitutional. Sir, according to the true spirit of our Government, we must exercise a judicious discretion over all these subjects, and use our powers, as far as we know how, to promote the happiness of the people. Discretion implies the power of selection, and in adopting measures for the performance of the high duties confided to us, we must take those which, according to the circumstances, will most certainly attain the end. In all this our responsibility is to the people, who, if we err, will not fail to apply the remedy.

In executing the powers of this Government, we cannot, and should not discard the lessons of experience, and we are always safe in adopting those measures which are, in themselves, immediately relative to the object, and which all other governments employ as the means for the attainment of similar objects. I insist that this is the safe and reasonable criterion, and I contend that roads and canals are the natural and appropriate means of executing the commercial power with all nations, and are considered by every government, of which we have any knowledge, as falling properly within the range of its commercial regulations. It is here the mistake of gentlemen on the opposite side consists, in blending the objects of Government with the means ordinarily employed for their attainment, and in treating roads and canals as distinct from the commercial power, when in fact they result, of necessity, from its exercise. The general objects of a government are few, and easily defined, and the power of executing these includes all other powers which are necessary to their execution.

The great objects of good government consist, principally, in procuring the happiness of the nation—in providing for its necessities, and in fortifying it against hostile attacks.

In the first class may be comprehended all regulations regarding education, the arts, and sciences, religion, and the whole field of justice and polity. Over these the State and General Governments exercise, in some measure, a divided dominion, but with equal means for the attainment of their respective objects.

In the second class are included the agricultural and commercial, and in the third the military power.

The military power is exclusively in the General Government, and, in virtue of this authority, we employ all the means which are ordinarily employed by other nations for the same object.

Under this power, and as naturally incidental to it, we build forts and arsenals, and erect fortifications, *ad libitum*, whenever we deem them necessary for the defence of the nation. Will any gentleman say that forts and arsenals are more necessary for the purposes of defence, than roads and canals for those of commerce? A country may well be defended without either forts or arsenals, which do not always afford the best protection, but no one would hazard the opinion, that commerce can exist without either roads or canals. The honorable gentleman from Virginia has said, however, that our authority to provide forts and arsenals, is derived from that clause in the Constitution which authorizes Congress to exercise exclusive jurisdiction over property which may be purchased for these purposes, with the consent of a State, and that, therefore, we cannot erect such works without such purchase and consent. Sir, this is manifestly a mistaken interpretation. The object of this clause, as is apparent from its general character and phraseology, is plainly, not to confer the right to purchase land and erect fortifications, but to authorize exclusive jurisdiction over the soil which may be purchased with the consent of a State. The power to erect military works is incidental, or there can be none of that description; and if we have the power to erect those works, it would be absurd to deny us the right to purchase the land whereon to erect them, unless, indeed, we might be supposed to build castles in the air. The right to purchase land, to become the proprietor of soil, without jurisdiction, is one of the most simple kind; and to deny it, would be to deny this Government a right enjoyed by every petty corporation, nay, by the humblest individual in the community. But the right of purchasing and acquiring fee simple title to land, does not necessarily transfer jurisdiction, which is no part of the soil, but resides in the local government.

It is desirable in many cases, however, that the Government should possess such a jurisdiction over its forts and public works, for their better police and management; and such a jurisdiction residing in the State cannot be obtained without its consent; and for this reason, therefore, this clause provides for such an acquisition.

The gentleman is equally mistaken in supposing that jurisdiction is at all necessary to the purchase of property. If the jurisdiction were not transferred to the United States, it would remain in the local Government, whose laws and authority would, in most instances, be adequate to all the purposes of protection and security. Sir, all the custom-houses which have been built by the General Government, and sites on which they are erected, are precisely in this situation, and no jurisdiction has ever been required by the United States, or ceded by the States in which they are located.

Besides, sir, the fifth amendment to the Constitution provides that we shall not take private property for public use, without making just compensation. The implication here is clear, that we have the authority to apply private property to public use, making just compensation; for such a provision would have been entirely useless, if we could only purchase with the consent of a State, who would be at liberty to stipulate its own terms.

If, then, sir, we may erect forts and other works for defence, and purchase land for this purpose, as ordinarily and naturally incident to the military power of the Government, why may we not acquire land for the purpose of making roads and canals, if they be ordinarily and naturally incident to some other general power? Suppose us to acquire land by purchase, for this purpose, where is the interference with the State authority? The owner of the soil may make a road over his own premises, without permission of the local government; and so may a company of individuals, if they please to forego the advantages for which acts of incorporation are usually desired. But, suppose us to acquire property for a similar purpose in any other way: we should not absolutely require the jurisdiction. Our acquisition and property would be equally protected by the local municipality, which, I insist, however, could never interfere with our conservative power.

In the agricultural power similar incidents result; and, in the execution of this duty, every good Government not only exerts its means to provide and regulate the labor with which it is carried on, but may, if it think proper, provide public stores, and granaries, and a multitude of other facilities necessary to its good management.

This power I admit to be exclusively with the States; but the commercial power "among the States" is as certainly in the General Government—and I ask why we may not employ the ordinary means for its regulation?

I have said that roads and canals are among the ordinary and natural facilities of commercial intercourse. I now contend, sir, that they are uniformly treated and employed as such by every Government in the exercise of its commercial power. There is no writer upon political economy and the duties of nations who does not consider them so. Adam Smith treats them as the ordinary instruments of commercial regulation; and Vattel, in his exposition of the duties of a Government to itself, in the execution of its commercial power, remarks: "the use of highways, bridges, canals, and, in a word, of all safe and commodious ways of communication, cannot be doubted. They facilitate the trade between one place and another, and render the conveyance of merchandise less expensive as well as more sure and easy. France and Holland have daily found the truth of this by happy experience. One of the principal things that ought to employ the attention of the Government with respect to the welfare of the public in general, and of trade in particular, must, then, relate to the highways, canals, &c., in which nothing ought to be neglected to render them safe and commodious. The whole nation ought, doubtless, to contribute to such useful undertakings.

Can it be doubted, then, sir, that roads and canals are not independent objects of Government, but are among the natural means of effectuating the commercial power? For what purpose are such improvements made by any nation but to facilitate commercial intercourse? Can it be carried on without them? What nation makes roads for pastime, or as monuments of useless expenditure, or digs canals for no other purposes than to mingle the waters of distant streams? For what purpose does any single State in this Union make roads and canals between different parts of its territory, but to afford facilities to its commerce? And, if an individual State can make a State or county road, for the purpose of its own internal commerce, and as a necessary means of its wise regulation, may not this Government make a United States road, as the means of regulating the commerce of this extensive Union? Is this Government to be clothed with greater powers, but less means of executing them? Has this great nation been organized with the dimensions of a giant to handle the instruments of a pigmy? Sir, are we not to suppose that, when the framers of our Constitution vested us with the commercial power, they knew and understood the means which every other Government ordinarily employed in its execution? And, if they did, must we not conclude they designed that we should exert them? I will not press this part of the subject further, sir. I leave it to the reflection of the Committee and the nation, and shall be content with their judgment.

I intended, Mr. Chairman, said Mr. McLANE, when I rose to address the Committee, to have offered some considerations as to the propriety of our exercising the power now claimed; but the state of my own strength admonishes me that I have already trespassed too long upon the patience of others, and I will therefore pass over this part of the subject, with a very few general observations.

I feel no inclination rashly or lightly to resort to the exercise of this power, or to exercise it in any case in which the wants and necessities of the community do not imperiously require it. The present bill proposes merely to procure information; the use we shall make of it will be the subject of future deliberation.

I am free to say, that, in general, the objects of this power will be better accomplished by allowing individual enterprise, under the auspices of the State governments, to take the lead, and I should be disposed, on all occasions, to confine the interference of the General Government to objects of a purely national character, and such as would be necessary to open and facilitate the intercourse between different States, or various sections of the Union. It must be admitted, however, that the United States presents many objects of this description, and which cannot be attained without the aid of the national resources. No one will deny, that the commerce of any country must be badly regulated, in which the cost of transportation amounts to more than the value of the commodity; such, however, is the fact in many parts of this country, and it is equally true, that the communication between different sections of this Union consumes as much time in its performance, and is exposed to equal perils, as a voyage to many parts of Europe. No one can be insensible to the necessity of providing and facilitating the intercourse between the Western and Atlantic sections of the country, and between the Northern and Southern points of the latter; an intercourse at present interrupted and obstructed by natural impediments, insurmountable without our aid, and amounting, in a period of war especially, to an almost absolute interdiction.

I will take leave also, sir, before I conclude, to suggest one other mode, by which the aid of the General Government may be given to internal improvements, which is, it appears to me, entirely unsusceptible of any objection on the score of power or right; and that is, by a loan of money on interest, or by the purchase of stock in companies incorporated under the authority of one or more States. We have certainly the right of managing our own funds, in a financial point of view, in any manner we may think best, and it surely cannot be unwise so to manage them, as most effectually to contribute to the happiness and prosperity of the people. No one can deny our power to purchase and hold stock; we have purchased bank stock, and at this moment hold it to a large amount. If we can purchase bank stock, there is nothing to prevent a purchase of canal or road stock. And if the value of such stock should not at all times be equal to that of the bank, the deficiency would be more than made up by the advantages, which, in other respects, would be produced by the investment.

It might be contended with great propriety, that this would be the most wise and prudent application of the national resources to the internal improvements of the country. I am, myself, of the opinion, it would be the most economical. If such should become the policy of the Government, it would soon be aided by individual enterprise, and the local governments. I may already point gentlemen to one of the greatest national objects which can be presented to the notice of this Government; I mean the Chesapeake and Delaware canal, which passes, in part, through my own State, and to which, therefore, I may feel some partiality. This canal, destined to unite the waters of the Delaware and Chesapeake bays, is the principal link in that great chain of internal communication between the extreme points of our Atlantic frontier, so essential to all the commercial and military operations of the country. A company for the accomplishment of this work has already been incorporated, by the States of Pennsylvania, Delaware, and Maryland. The purchase of stock by the United States to a reasonable amount, would insure the completion of the work, after which the interest of the Government might readily be disposed of at little if any loss, and the proceeds employed in the same way, to the aid of some other enterprise of great national interest. There would be no State rights invaded by such an operation, but, on the contrary, the great interests of this community would be essentially promoted, and the national resources augmented beyond the power of calculation.

When Mr. McLane had concluded—

At the request of Mr. Archer, of Virginia, the Committee then rose, reported progress, and had leave to sit again.

Wednesday, January 28.

Mr. Hamilton, from the Committee on Military Affairs, made an unfavorable report on the claims of the State of Georgia, for services of militia in the years 1792, 1793, 1794; which report was committed to a Committee of the whole House to-morrow.

Mr. Williams, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph C. Boyd," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The resolution submitted by Mr. Vance, of Ohio, on the 12th instant, was taken up, read, considered, modified, and agreed to, as follows:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of reporting a bill appropriating twenty thousand dollars, to be expended in laying out and opening a road from Detroit, in the Territory of Michigan, to the Ohio State Line, where the road from Detroit to Fort Meigs crosses the same.

An engrossed bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the third time, and passed.

On motion of Mr. Henry, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Eddyville, Kentucky, by Waidesboro, to Paris, in Tennessee.

Upon presenting this resolution, Mr. Henry remarked that he would not disguise the fact that it was accompanied by a petition from sundry respectable inhabitants of Callaway County, Kentucky; but, through mistake, it was addressed to the Postmaster General, and not to Congress. The object of the petition was to establish a new post route. And, as the Postmaster General had no power which reached the case, he had taken the liberty of introducing the subject to the House in the shape of a resolution. He further remarked that this was the first time the people from whom the petition came, had ever had a voice upon this floor; and he hoped the House would be inclined to greet them with the kindest consideration.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to alter the times of holding the District Court at Mobile, in the District of Alabama;" also, the "Resolution in relation to an intended visit of the Marquis De Lafayette to the United States," with an amendment to each. The Senate have also passed a bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; in which amendments and last mentioned bill they ask the concurrence of this House.

SURVEYS FOR ROADS AND CANALS.

On motion of Mr. HEMPHILL, the House went into Committee of the Whole on the state of the Union, (Mr. FOOT in the Chair,) on the bill to procure the necessary plans, estimates, &c., respecting roads and canals.

Mr. ARCHER commenced by remarking that the vote taken in the House would have prevented his offering any observations on the bill, but for the impression authorized by the recommitment that a farther discussion of the important principle it presented was desired. It would be injustice to gentlemen to doubt their readiness to sacrifice the pride of consistency to duty, and especially in relation to a subject of Constitutional construction. He should proceed, therefore, to submit his views of the question, in confidence that, if he could succeed in producing a doubt of the Constitutional competency to adopt the system of legislation which was contemplated, he should have the concurrence of the Committee in the rejection of the bill, which was the incipient measure of this system of legislation.

Adverting to the argument derived from the importance of works of internal improvement to national prosperity, Mr. A. went on to say that he forbore any objection to its relevancy or fairness, though an array of topics of seduction could not be considered as either relevant or fair in a Constitutional inquiry, because he had an objection of still more decisive character to state to it. As respected the importance of these improvements, indeed, there existed, in point of fact, no diversity of opinion, the adversaries of the bill entertaining as just an appreciation of their value, and as earnest a desire to witness their advancement in all modes not liable to insuperable objection, as its advocates could do. But Mr. A. denied that the effect of the recognition of a power in this Government over the subject would be to subserve, but maintained, on the contrary, that it would obstruct the advance of these improvements. The only advantage would relate to the acceleration of the accomplishment of some of the more important objects of improvement. But what would be the countervailing effect, the price of this advantage? Gentlemen could not be blind either to its reality or importance. It was the entire suspension of the faculties of the State governments in this respect. The promise of the system in the hands of this Government, it was to be remembered, was general. It would be found, indeed, susceptible of only a very partial realization. But the expectation authorized was indefinite. Every step, too, in the advance of the system must add to the number and the force of the claims to its extension. What, in these circumstances, was to be the policy of the State governments? Were they to go on in what might prove gratuitous expense on works of internal improvement, or to wait the course of the dispensation of the advantages of the system in the hands of the General Government? Both the promises of the system and the claim resulting from participation in its expense, must determine them to the adoption of the latter of these alternatives. The motives, if not the reasons, to this course, were too forcible to be resisted. Then the question became, said Mr. A., not one of the concurrent or auxiliary jurisdiction of this Government over the subject of internal improvements, but of its preference to the jurisdiction of the State governments. In reference to practical effect, and a view of the expediency connected with the subject, it was a question of the propriety of the transfer of the jurisdiction from the State authorities to the general authority. And would there be a real expediency in this, or would injury result from it? The General Government was said to possess the advantage of superior resources. But was this advantage real? If the resources of the General Government were larger, was not the disparity of its occasions of expense, and of the probability of future demand on these resources, in the full proportion of the disparity of their amount? The occasions discovered for expense had been said to keep pace with the extension of resources in the progress of all Governments. It was not to be expected that their history would exhibit a more favorable character in this respect in future. But did not the inference from this remark apply with peculiar force where political functions were distributed between a General and State governments to that to which the charge of external interests and relations was confided? The amount of public debt continued little short of an hundred millions of dollars. Was not the process of its extinction to be regarded as a sufficient claim on the national resources, till the occurrence of future demands in the progress of national vicissitude?

But admitting the advantages of the superior resources of the General Government, did not each of the respective governments derive its resources for all objects of expense from a common fund of some form of direct or indirect taxation of the people? The taxation then required for the attainment of an object in the hands of the General Government had only to be remitted if the object were best confided to the State governments, and the advantage of superior resources on the part of the General Government disappeared. There were advantages, moreover, of no unimportant character as related to the subject of discussion, which would result from the transfer of the office of taxation to the State governments. Each quarter of the country would contribute to the object in the proportion of its interest. There would be no taxation for objects, in the interests of which there was no participation. There would be no inequitable application of general funds to purposes of local and particular advantage. A farther advantage would result from the subject being confided to the State governments. There would be no gross mistakes as respected the selection of objects of improvement. The knowledge derived from contiguity of residence and interest—the fear of expense, disproportioned to the value of objects—would be a sufficient safeguard in this respect. This distant government, remote from the sources of knowledge, and occupied with a mass of engrossing and unrelated concerns, could neither have opportunities of adequate information, nor be subject to the influence of competent restraint, as respected the application of its expenditures. The State governments, with better means of judging of the practicability, the advantage and the expense of projects of improvement, were under a more direct check, as respected the application of money for their accomplishment.

These Governments were liable, under all circumstances, to a more direct influence of this kind, from the nearer and more obvious relation to the sensibility, as well as to the observation of the people, of the methods by which their money was derived. It was, besides, a proposition founded in undoubted principles of reason, that a local authority was better fitted for the conduct of operations requiring a minute exertion of supervision and care in their execution, than a more distant and general authority could be. There was a less liability, necessarily, to error, and to abuses and profusion, as respected the expenditure of money. Public authority was little fitted for the management of such operations at best, and the more remote the seat, and general the character of the authority, the stronger was the application of the remark. The State governments would, in a far greater degree, be less liable than the General Government to embark in projects of improvement, which would afford inadequate returns on the capital invested; and this was after all the test of the general, as it was of the particular advantage of undertakings of this description. The gentleman from Pennsylvania, indeed, who brought in the bill, (Mr. Hemphill,) had pushed his argument to the extent of a denial of the general application of this test. For his own part, Mr. A. knew of none which could be better substituted for it; and he was in favor of retaining over the subject of internal improvement the jurisdiction of that authority by which the test was most likely to be applied and respected. The State governments were not only best qualified, from the considerations which had been stated, for the exercise of the jurisdiction, but the General Government labored under absolute disqualification for it. How was it possible for this Government, in remote extremities of the Union, in Missouri or Louisiana, to discriminate, advantageously, the objects and sites of works of internal improvement, or to exert a safe and economical superintendence over the various and complicated subjects of their execution, administration, and preservation? Nor did the inevitable insufficiency and unskilfulness of its exercise form the most decisive objection to this function in the Government of the Union. It was easy to perceive, that, in the absence of adequate knowledge and sympathy with the interests to be effected, considerations of very different character would usurp their place and determine the character of the exercise of the function. It was easy to perceive that all the evil influences which belonged to free, and those which were peculiar to Federal Government, temporary excitements, party feelings, local interests, views derived from relation to the probable results of elections for the Presidency, would have an unrestricted scope for operation. Authority, then, on the part of the General Government, over the subject of internal improvement, was neither conducive to the advancement of its interests, nor in any view desirable.

But, was the authority confided? This was the inquiry properly engaging attention in the discussion, and to which Mr. A. proceeded to address himself. The first remark which it suggested arose from the fact of the omission of all allusion to the subject of the power in the discussions of equally large and various character which introduced the Constitution. There were the strongest motives to this allusion, if the existence of the power had been contemplated on the part both of the friends and the adversaries of the adoption of the Constitution. The advocates would have found a topic of eulogy in the supposed beneficial character of the operation of the power; and their adversaries a subject not less fruitful of reproach in its encroachment on the reserve of municipal authority to the States. Yet, as far as Mr. A. was advised, neither zeal nor jealousy, nor the sagacity of the largest speculative discussion, had indulged any surmise of the concession of such a power. The inference, from omission of a character so peculiar, was too decisive to be resisted. For the source of the omission, indeed, it was easy to account. It was to be found in the want of affinity of the power to the character of the Government. To the character of a league of association like the old Confederation, a power like this, acting by a distributive mode of operation, on the particular and several interests of the parties to the association, was not uncongenial. But the principal design of the change to a more social character of the Government, was to supersede this mode of the operation of its authority, by one which, in form as well as object, should be national; that is to say, adapted to the character of an integral community. In the existing form of the national authority, there remained no warrant for its exertion in any other mode. The sources of this authority, and the modes of its organization, continued to be principally Federal, but its operation was relative, exclusively, to the Union, as a distinct, independent, integral community. A power over the subject of internal improvement, exerted by the General Government, could not sustain this test of national operation. No work of improvement, answering to the description of internal, affected the interests of the Union in its integral, artificial capacity as a political community. The beneficial effects, even of the most important works of improvement, purely internal, were confined to parts and quarters of the Union. It was true, indeed, from the inseparable connexion of general with particular prosperity, that works of this description, in conducing to the prosperity of the parts severally, must exert, indirectly, a favorable influence on the interests of the Union. But a similar influence was exerted by works of this character in foreign States, with which we had commercial intercourse, the promotion of which, with equal reason, might be brought within the operation of the national authority. It was only a direct relation, however, to national interest which could be attended with this effect, and internal improvements could not pretend to a relation of this character.

But the power in question was not only condemned by its want of affinity to the character of the Government, but, by an inference equally decisive, from the unpropitious tendency of its influence. A power, which could not be exerted without an impairment of the harmonious operation of the Government, could, with no propriety, be attributed to a federal authority, dependent in a peculiar manner upon the accord of its members for stability. But a power over internal improvement, in the General Government, was of this character. The capacities of the different quarters of the Union for improvement being unequal, their respective interests, in the exercise of the power, would partake of this character of inequality. There were even instances and conditions of circumstances, in which these interests presented a character of conflict. The opposition of the various routes proposed for the connexion of the Eastern and Western waters, afforded an example. Could a jurisdiction over subjects of interest so incongruous and jarring, fail in the provocation of jealousy and discord? Political communities, in association, were known to be prone, in a peculiar manner, to the indulgence of a spirit of jealousy, as respected the operation of the common authority. The sources of this spirit were not material. The reality of its influence was attested by the history of all associations of the character alluded to, and of our own, among the number. Which were the operations of administration to which this jealousy was principally directed?—Those which had relation to the raising and disbursement of money. It was to the arrangements, therefore, connected with these operations, that precaution was to be applied in a wise organization of a federal form of Government. Had it been neglected in our form? The wisdom of its framers excluded the supposition. What, then, was the provision of precaution in this respect? It was as adequate as was to have been anticipated from the source from which it sprung. Taxation was confined by rules of a just relation to population; of the exclusion of all preferences, commercial or fiscal; of invariable adherence to a standard of uniformity. "No capitation, or other direct tax shall be laid, except in proportion to the census," &c. "No tax shall be laid on articles exported," &c. "No preferences shall be given by any regulations of commerce or revenue," &c. "All duties, imposts, &c., shall be uniform throughout the United States," &c. Such were the precautions against inequality of taxation. But of what value would be these precautions, if similar restraint were not provided in relation to the power of expenditure? The confinement of taxation to a rule of justice were vain, if this and every other rule, but of caprice, might be transcended in the disbursement of its fruits! What then was the safeguard in this respect? The exercise of no power could transcend the objects of the Government. This was a rule of reason applicable to every trust of power. Here, then, was one restraint on the appropriating power. A restriction of explicit character was added. The power of taxation, from the indefinite character of public exigencies, was necessarily one of the largest. The power of appropriation, which was subsidiary, would pass with it in the same extent without the necessity of expression. Its conveyance to this extent, however, might prove a source of inconvenience, because an appropriating power was not subject to the restraint which attached to a taxing power, from the invidious and apparent character of its operation. In what manner, then, was precaution to be applied? Of what form of restraint was a power of appropriation susceptible, without impairment of its efficiency? There was one form only of designation of the objects to which it should be confined. This is the form of the restraint which has been applied. Congress might apply money, not to all objects of political authority, indifferently, or to any at discretion, but to purposes connected with the "common defence and general welfare" only. And what were the objects embraced by this provision? Their criterion had been already indicated. Such as were of national character, relating to the whole Union as a distinct nation or community. To this class of objects it had appeared that Internal Improvements did not belong. The jurisdiction of them was not embraced, therefore, by the scope of the national authority.

An examination of the power under consideration, had demonstrated its want of affinity to the character of the Government, the unpropitious tendency of its influence as respected the highest interests of the Union, and its inconsistence with restrictions established by essential provisions of the Constitution. The presumption from this concurrence of objections, was to be considered as very forcible against the validity of the power. Was the claim to it sustained by fair construction of the language of the Constitution? Before proceeding to this inquiry, two difficulties were to be removed. It had been supposed that the question was concluded by the authority of preceding decisions. But it was to be remembered, that the authority of precedent was not applicable to a legislative jurisdiction. Courts were bound by precedent, because the ends of their jurisdiction required uniformity of decision. But the end of a legislative jurisdiction required that its decisions should be varied as occasion might demand, till correctness were attained. Neither did precedent exert an operation on questions of the validity of the exercise of power. These were submitted to the authority of conviction only. The subjects submitted to precedent, related to the exercise of opinion or judgment; but questions involving an application of moral principle, like that of the just fulfilment or abuse of a trust of power, though they did not exclude advice, refused a submission to positive authority.

It had also been supposed, that the consent of the States in which works of internal improvement were to be executed, might supply any defect of the authority of the General Government. But it was to be remembered, that the concurrence of all the States had been requisite to give form to the federal compact. A power, then, could not be admitted in single States, to vary arrangements to which the concurrence of all had been necessary, and in which the interest was common. The abuses liable to flow from such a doctrine were obvious. There was no limit to the enlargement of jurisdiction it might involve, or the purposes to which this enlargement was susceptible of employment.

There could be no other source, then, of the power, than just exposition of the parts of the Constitution which were supposed to have relation to the grant of it. These, Mr. A. proceeded to examine. The first clause to which attention had been attracted, (by the Speaker,) was that conveying authority "to establish post offices and post roads." Mr. A. thought that, in relation to this part of the subject, the Speaker had failed, (not from any intention, certainly,) in treating fairly the argument of his colleague, (Mr. Barbour,) who opened the debate on the present motion. He (the Speaker) had supposed (incorrectly) that his colleague had interpreted the word "establish" in the sense of the word adopt; and the remark was perfectly just, that this interpretation was neither warranted by the proper import, nor would stand the test of application to other parts of the Constitution in which the expression was employed. It was both nearer to the true import, however, and better fitted to stand the test of this application than the import which the Speaker had suggested, which was the sense of the word "build" or "construct." It would be found, on examination, that the word never had any signification of this kind; and how would it bear application in this sense to other parts of the Constitution? Were we at liberty to read, in the preamble, that the people of the United States, "in order to construct justice," had "ordained and constructed" this Constitution for the United States? Would it be a proper employment of language to say, that Congress had power to "construct" a uniform rule of naturalization, and uniform laws on the subject of bankruptcy, &c.? The explanation of the whole difficulty in relation to this word "establish," was afforded by the fact that it presented in different modes of its employment an apparent variety of import, derived from the different character of the subjects of its application. The real diversity, however, would be found to refer not to the import, but to the application. The word would be found to have a signification which was invariable, and which was always abstract, as respected the idea which it conveyed. It was never expressive of a form of physical action, even in cases in which it had a proper application to subjects of a physical description. It never had, therefore, the sense of "build," or "construct." Its proper import was that expressed by the word institute. It meant, always, as had been supposed, (by the Speaker,) *creation*, but the creation of an abstract immaterial subject, or attribute, never of a form or character of physical existence. Thus, in the preamble of the Constitution, "to establish justice," referred to the institution of an abstract character of stability, as respected civil regulations for the enforcement of justice. To "establish this Constitution," in the same place, referred not to the institution of the physical form or preparation of the Constitution, but of its abstract character of uniformity in relation to the subjects of naturalization and bankruptcy. In the application of the word to physical subjects, it retained the same character of presenting an abstract conception, as well as the same creative import. It continued to imply creation, or institution, but of an incorporeal quality, character, or attribute, communicated to the subject of its application, and not of any material change or form operated on the physical substance of this subject. Thus, though it would not be proper to speak of establishing a House, in the sense of physical construction, it was proper to use this expression in the sense of communicating to the House a particular quality, function, or character. It was proper to speak of establishing a house of public entertainment, a store, an office, a manufactory. When the word establish was employed in reference to a road, it would be found that relation was uniformly had to the exertion of public authority, the legislative, or other act by which the road was directed, and not the act of its physical execution. A road was opened, made, or constructed, subsequently to, and in virtue of, the act of authority by which it was established. This explanation of the term, rendered entirely intelligible its employment in the clause under review. Congress had authority to establish post offices and post roads, that is to say, to institute or authorize a particular artificial function, which had no necessary relation to houses, but might be exerted, independently of their use or existence, in relation to the distribution of intelligence; and to institute, in relation to such of the roads of the country as might be selected for the purpose, the character of serving as the routes of the transportation of this intelligence. What was the nature of the right, and of the incidental jurisdiction involved by reasonable construction in the grant of such a power? Manifestly a right of usufruct or way, only, with its ordinary incidents. And what were these? Did they comprehend any control or authority to intermeddle, even for the purposes of repair, with the soil, to which the right attached? Mr. A.

appealed to every lawyer for the separable character of the right, from any authority of this kind, in ordinary legal acceptation. What, then, it might be inquired, was the remedy for obstruction of it? The answer was, removal of the obstruction, or action for the injury. And the only difference between the Government and an individual enjoying a right of this description, in this respect, resulted from the circumstance of the Government having in its own band the application of the remedy. Penal legislation might, indeed, be superadded in either case. And to the sufficiency of this guarantee no objection could be made, as it was that on which public authority had to rely in all its operations.

The construction which had been stated, in relation to this clause of the Constitution, derived the strongest confirmation from the inference suggested by the clause, conveying an exclusive authority over the sites purchased, with consent of the States, for the erection of forts, dock yards, and other needful buildings, &c. There could be no question that authority to execute these constructions, passed, without expression, in virtue of the military and commercial powers of the Government. A power to make and maintain war, must carry with it a power to erect forts, &c., as a power over commerce must that of constructing dock yards, &c. Yet an express grant had been thought necessary, to authorize the purchase of the sites of these constructions, and the exclusive jurisdiction of them. How, then, could it be conceived that a capacity of purchase and jurisdiction had been intended, in relation to the post roads of the country, extending already to eighty thousand miles, and susceptible of a further extension which was illimitable? Mr. A. could not perceive how the inference from this source was to be resisted.

But, let the language in relation to the power of establishing post offices and post roads, be conceded to be doubtful—the next resort, in construction, was, to the objects of the Constitution. Was the execution of a system of internal improvement in the number of these objects? Was it an object of proper federal character? All objects of political authority were not appropriate to a federal form. If they were, there was no distinction between this form and any other. Which, then, did belong to it? Such only as could not be as effectually attained, independently of the institution. Which were these? They could not be any of a class relative to interior administration and police. These were supervised most effectually by local authority. They must be relative, then, to interests of external character. It was not meant to be contended that there was no municipal authority appropriate to this Government. There were powers of this class in the express grant of the Constitution, those which had been referred to by the Speaker. The expression of these, proved that they would not have passed without expression. There were powers of this class, however, of constructive character. Every form of authority must be enabled to operate for the attainment of its proper ends. Such exercises, therefore, of an incidental jurisdiction, as were essential to this purpose, must be conceded to belong to it. But, to warrant the exercise of power in this mode, the end must be admitted, and the relation to it be essential. It was not sufficient that the jurisdiction had a general relation to expediency. But no one would contend that a jurisdiction over objects of internal improvement, had any relation of more intimate character than one of expediency, as respected the social condition of the Union. Their execution had not been made an object of express jurisdiction, though other objects belonging to the same municipal character, and not more obvious to remark in their relation to general prosperity, had been made the subjects of this express jurisdiction. The jurisdiction over the subjects of naturalization and bankruptcies, the coining of money, the progress of science and useful arts, were examples. Works of internal improvement conduced to national prosperity. Be it so. But the Government could pursue, without their aid, with uncontested effect, its march to its admitted ends. Then, a jurisdiction, on this subject, was not to be admitted, or it could only be achieved by the application of an instrument of construction, to the force of which no control could be applied. The objects of the Government afford the test of doubtful jurisdiction; but, objects of proper federal character excluded, it had appeared, interference with concerns of inferior police. The relation, however, of internal improvements, to this class of concerns, could not be contested. The relation appeared from the mere name. It was at the point of termination of the province of this description of objects, that the region commenced, which afforded the proper scope of the exercise of the general authority. As respected any relation which improvements, of analogous character to roads and canals, from their connexion with external interests, might have with the question, the consideration of them would fall under the succeeding branch of the discussion.

And this consideration brought Mr. A. to the examination of the second source which had been assigned to the power, the authority of Congress to "regulate commerce with foreign nations and among the several States," &c. The want of any proper relation between the regulation of commerce and the construction of its physical channels, had been insisted on by his colleague who opened the debate. But, let it be admitted that a full power of legislation was intended. Still, the power could not have an extent wider than its subject. And what was the subject? Not all commerce, as his friend from Delaware (Mr. McLane) had assumed. [Mr. McL. explained.] Mr. A. received with pleasure from his friend explanations which might lead to union of their opinions. In the present instance, however, it did not avail to that effect. The power conceded was over foreign commerce only, and that between the States, &c.—that is to say, over the commerce only, which was external to the proper jurisdiction of the States. The facilities, therefore, which there could be competency to introduce, must relate exclusively to this description of commerce. But the improvements contemplated, roads and canals, were facilities appropriate to internal not external commerce. A control over them, then, did not pass.

The relation being to external commerce, facilities having real relation to this character of commerce, were embraced by the power. The cases which, as supposed to create the greatest difficulty, had been referred to with the most triumph, were embraced. The constructions on the great estuaries and the ocean, were embraced. The objects of improvement, which, as falling without the jurisdiction of the States, had been said to require compacts among States for their accomplishment, if there were any such, would be embraced. Facilities of the character referred to, would, moreover, be exempt from the objection incident to the improvements proposed, of wanting a character of nationality. They would exhibit a proper correspondence to the test of connexion with the interests of the Union, as a separate community. As related to the interrogatory (of the Speaker,) whether our power to dispense the form of advantage in question, was confined to the sea, and excluded from the land, the answer was, that the jurisdiction proper to the land in this respect, was confided to a different, and in reference to this particular subject, a more competent authority.

Supposing he had been successful in disposing of the authorities in relation to post roads and commerce, Mr. A. approached the power which created the only difficulty in his mind as to military power. He admitted this power to invest with authority to construct roads to a certain extent. It was not necessary, in this discussion, however, that he should employ any portion of his failing strength in defining this extent. The necessity of an essential relation between means and ends, between the exercise of subsidiary and the objects of principal powers, was not disputed, and had been admitted (by the Speaker in particular.) But what constituted this relation? He was not going into nice disquisitions on the subject; all that he maintained was, that essential relation required the operation of the subsidiary power in good faith, and reality, for the ends of the principal power. But no man contended for this relation of internal improvements to the military power. It could not, therefore, be relied upon as authority for them.

One other source had been relied upon for this jurisdiction, fraught, as it appeared to Mr. A., with greater objection and danger than any which had been assigned. He alluded to the appropriating power. It was with pleasure he had heard the disclaimer (by the Speaker) of this source of the authority. He united most heartily in the expression of reprobation. What did this claim of authority import? The "common defence and general welfare" were construed to comprehend all ends of political authority, and an unrestricted discretion to attain those ends was claimed, as far as respected the application of money; that is to say, by a mean which was equivalent to every other. If an authority of this kind did not make an unlimited Government, what did? The Russian Autocracy, the Ottoman Porte, had no occasion to arrogate a larger authority. No man maintained, in terms, the unrestricted character of the Government, yet doctrine was maintained which operated a defeasance of all restriction on it. If the doctrine was just, the wisdom of the framers of the Constitution had been unavailing, and futile their guardian solicitude to make it a rampart against despotism. The whole grant of power was admitted to rest on specification, yet a single clause of the instrument of compact was admitted to supersede this specification. A single clause! said Mr. A. Was that all? No: it was not to a single clause, nor even to the positive and enacting portion of this clause, but to a mere explanatory member of it, that was attributed this detestable sweep of operation. The language was not, that Congress should have power to provide for the common defence and general welfare, but power to lay and collect taxes, &c., to provide for these objects. The object of the grant was a taxing power, and not the enunciation of an unrestricted scope of a power of appropriation. It was not denied, that the taxing power was limited by the specification of the Constitution; yet, for the power of appropriation, which was strictly subaltern, and accessory to it, an operation was arrogated, libertine as the winds. Integrity renounced the odious discretion, to effect, by procurement, objects denied directly to its control. Yet this was the character of the assumption of authority in question. Roads and canals were admitted to be beyond the competency of the Government, as respected their actual construction, yet the procurement of this construction, by money, was not beyond its competency. In the recognition of such a doctrine, it was manifest that the Government was let loose from all control, but of an unrestricted discretion.

Mr. A. said, that he admitted the authority of this Government to provide for the general welfare, according to the just intendment and import of this expression in the Constitution. But what was this import? To set up a faculty of unbridled appropriation in the Government? Exactly the reverse—to confine this faculty by just and expedient restraint. The clause was analogous, as respected both operation and the motives of its insertion, to another, containing the general grant of incidental power, which had given occasion to even larger discussion. He referred to the clause authorizing the passage of all "laws necessary and proper" for carrying the granted powers into effect. Authority to this extent passed without expression. In the grant of the substantive objects of power, necessary and proper incidental power was involved. Was the clause, then, inserted merely from abundant caution, to ascertain this grant of incidental power? It was inserted from a motive of much higher caution, to confine this grant, by a character of essential relation, to the enumerated powers. All incidental power might have been construed to pass, and the design was to prevent the implication of any which should not have the character of being necessary and proper, in reference to its ends. The provision was not one of liberality, but jealousy and restriction. A similar policy dictated the provision under review, authorizing appropriation to objects of "common defence and general welfare." The taxing power, which was one of the largest, would draw with it a power of appropriation of commensurate extent. It was consistent with the design of the Government, and prudent, to guard this power by a restriction to objects of national concern. This was done in the words, "to provide for the common defence and general welfare." It was not to be inferred, however, from the union in the clause, of common with general objects of interest, that they were conceived as belonging to a common class. If this had been the case, the two expressions would not have been employed in connexion; for there was no word in the Constitution which had not an appropriate office, as well as signification. The expression would have been, to provide for the common defence and welfare—or, the general defence and welfare—and not for the common defence and general welfare—if a discrimination between common and general objects had not been designed. And what was this distinction? Had the words "common" and "general" an identical signification? Common was "that of which several partook." Common interests were those in which the States partook, severally. General, imported an "abstraction from particulars." The interests abstracted from such as were particular, and several, were those which attached to the Union, in a corporate, artificial capacity; as a distinct political community. Common, or several interests, were not objects of proper Federal character. They were not confided, therefore, to the Federal authority in mass. One only—"defence"—was so confided. The reasons for this concession were peculiar. But, as respected general or corporate interests, which were appropriate to the general authority, exclusively, the power of attainment had no limitation. It was only necessary to ascertain whether an object belonged to a common or corporate character, related to the several interests of the States, or the general interest of the Union, to determine whether it belonged to Federal jurisdiction. As respected objects of internal improvement, it would not be disputed that they belonged to the class of several, and not of corporate or general interests. They were not, therefore, appropriate to this jurisdiction.

He had now, Mr. A. said, reviewed the several clauses assigned as the sources of the power, and it did not appear to be sustained by a faithful exposition of either of them. Inference from the objects of the Constitution led to the same result. Every oracle of just interpretation, when interrogated, responded in negation of the power. The Speaker had represented as a species of treachery, the refusal to exercise granted power. Without contesting the correctness of this proposition, which was undoubtedly laid down, however, with too little limitation, it was treachery, of a much higher order, to exercise ungranted power, or even that of which the concession might fairly be considered doubtful. The power, in the present instance, must be admitted to be at least of doubtful character, and the rule of public and of private morality was the same, to forbear action, the lawfulness of which was questionable. It was to be remembered, too, with a character of what peculiar danger the exercise of doubtful power was fraught, in relation to this Government. The Union could only be considered safe, in the due observance of the peculiar and delicate distribution of power, prescribed by our wise, but complicated frame of polity. The States would fly off from their orbits of relation, in the event of the law of their attraction being disturbed. Union was the guarantee of interests of the highest order, and the Constitution was the fortress of union. But this fortress, Mr. A. said, would be abandoned, if its defences were permitted to be dismantled by construction, so as no longer to present a barrier to discretionary power.

Mr. A concluded, by saying that he was sensible he had presented, inadequately, the views of the question he had to offer. He would not, however, forego the claim of zeal in a discussion, the principle of which was of inexpressible importance.

When Mr. A. had taken his seat—

Mr. STEWART rose, and said, he concurred with the honorable gentleman from Virginia, (Mr. ARCHER,) who had just resumed his seat, in attributing to this subject a more than usual degree of importance.

The object of the bill under consideration was, to lay the foundation of a general system of internal improvement, co-extensive with the Republic, and dispensing its benefits and its blessings to every portion of the Union. It was not, however, he said, a new subject; it had frequently been introduced and discussed on this floor. As early as the year 1809, the most able report ever written on the subject had been communicated, he said, to the Senate, by the Secretary of the Treasury (Mr. Gallatin;) and had the views of that distinguished and enlightened statesman been carried into effect, this country, at this time, would have presented a very different aspect; our national strength and our national resources would have been fully developed, and the North and the South, the East and the West, enjoying every commercial facility, would have been united, and bound together by the strongest ties of interest and intercourse.

This subject, said Mr. S., presents two distinct questions:

1st. Have we, by the Constitution, a right to pass this bill.

2d. If so, is it expedient to exercise it?

It is the duty, said he, of the friends of this measure, to sustain the affirmative of both these propositions. If they fail in either, the bill must be abandoned. As his views of the Constitutional power of Congress over the subject, were, in some degree, different from those taken by other gentlemen who had spoken on the same side, he would, he said, in the first place, with great deference, present them to the Committee, as concisely and as distinctly as he could, and then notice some of the arguments urged by gentlemen in opposition to the bill.

He was free to admit, for his own part, that he did not derive this power from the preamble to the Constitution; nor from the power "to provide for the general welfare," as some had contended. Nor yet did he claim it, with the President, from the right, "to appropriate money," or from the "consent of the States." While he admitted the force of these considerations, he did not think it necessary to resort to any doubtful source, for the power in question. But, in his opinion, it evidently resulted from four of the great and expressly granted powers.

The Constitution declares, that Congress shall have power,

1st. "To establish post offices and post roads;"

2d. "To regulate commerce with foreign nations, and among the States, and with the Indian tribes;"

3d. "To raise and support armies," and "provide for the common defence;" and

4th. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

This last power would, no doubt, have followed as a matter of course; for, every grant of power necessarily carries with it the means of its own execution. However, to remove all difficulty, and all doubt, the power of selecting the means of "carrying into execution," the great objects and ends of Government, was expressly granted.

The object, then, said Mr. S., of the first grant, is, the transportation of the mail; the second, the regulation of "commerce among the States;" the third, the defence of the country; and the fourth gave the power to provide the means "necessary and proper" for the attainment of these ends. Then, the true and only questions for our consideration are these:

1st. Are post roads "necessary and proper" for the transportation of the mail?

2d. Are commercial roads and canals "necessary and proper" for the regulation of commerce among the States?

3d. Are military roads and canals "necessary and proper" for the defence of the country?

If the answer to these questions be in the affirmative, and he thought no other could be given; if roads and canals were "necessary and proper" for any, or all of these purposes, then, we have, expressly the power to make them, and there is an end to the argument.

It was thus, Mr. S. said, he derived the power over the subject of internal improvements. Post roads belonged to the transportation of the mail—commercial roads and canals, to the power of regulating "commerce among the States," and military roads and canals appertained to "the defence of the country." Thus, each power carries with it its own appropriate means of execution, and, without which, they would be nugatory and ineffectual.

Having premised thus much, Mr. S. said, he would now notice some of the arguments which had been urged against the bill under consideration, and especially by the gentleman from Virginia, (Mr. Archer,) who had just resumed his seat. In the first place, we are told, that not a word is said, in the Constitution, about roads and canals, and that the power is, therefore, not granted. This, he said, was a *non sequitur*." It was impossible that the framers of the Constitution could foresee, and point out all the means for "carrying into execution" the powers granted. This would have been to have formed a code of laws, and not a Constitution. Had they done so, there would have been no use for a Legislative branch of Government. But, said Mr. S., according to this principle, we are violating the Constitution every day. Look at the great heads of legislation, in your statute book. You have passed, and are passing whole codes of laws, on the subject of pensions, fisheries, health laws, lighthouses, buoys, beacons, &c.—armories, and military academies, heads of Departments, public buildings, library, paintings, civilization of Indians, benevolent grants, seawalls. and surveys—roads and canals, among the rest, and many other subjects. Yet, gentlemen could not find one of these subjects mentioned in the Constitution—not a word of the kind: still they were admitted to be legitimate subjects of legislation; and why? Because they are means selected for "carrying into execution" the granted powers; and because we have expressly the power to adopt the means "necessary and proper" for this purpose; and, if gentlemen would take the trouble to look over the list, they would find much more difficulty in discovering the appropriate grant of power, to support much of this legislation, than he did in finding the power to make roads and canals. The degree of necessity and propriety was not defined. In carrying into execution the express grant of power, we are not limited in the selection of means, to those which are absolutely or indispensably necessary; but Congress is left free to exercise its own discretion in the adoption of the means that it may consider "necessary and proper to carry into execution the powers granted." Though gentlemen admit the necessity of roads and canals, for the purposes mentioned, yet, they say that the States have the power to make them, and that the General Government can then use them. And was it the intention of the framers of the Constitution that the General Government should be dependent; should wait until the States furnished the means for executing these powers? Certainly not. Where the States made roads, he was willing to use them. But there were great national objects to be accomplished—uniting the great sections of the country, the North and the South, the East and the West; objects perfectly national, which the States never could and never would attempt. It was for these that this bill provided.

He could not assent, Mr. S. said, to another proposition laid down by the gentleman from Virginia, (Mr. Archer,) that "Congress could pass no law unless it was absolutely necessary to enable the Government to go on." [Mr. Archer corrected Mr. S., he had confined the remark to municipal law.] Admit the qualification, still nearly all our legislation, continued Mr. S., is municipal; it relates to the internal concerns of our own country, of our own citizens. Such regulations he considered municipal—laws were divided into national law and municipal law; the former related to foreign countries, the latter to our own. Look to your files; look to the loads of bills under which the tables were groaning; they were almost entirely municipal, regulating our own domestic concerns. Yet, perhaps, not one of them was "absolutely necessary to enable the Government to go on;" then you have no right to pass them; if you do, you violate the Constitution! Pass the appropriation bills—he knew of no others "absolutely necessary to enable the Government to go on"—then burn your files and go home: your labors are finished. These doctrines, Mr. S. contended, stripped the General Government of all its salutary powers, and would disqualify it for the attainment of the great and original objects of its institution. On the contrary, Mr. S. insisted that the powers of the General Government, in reference to all the great objects confided to its supervision and control, were plenary, were full and unlimited, as to the means of their accomplishment; except, indeed, where they were restricted by Constitutional inhibitions; and the Constitutional legislation of Congress is declared to be "the supreme law of the land," "any thing in the Constitution or laws of any State to the contrary notwithstanding."

Much reliance had been placed. Mr. S. said, in the course of the discussion, on that clause of the Constitution which declares that "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such places purchased by the consent of the Legislature of the State where the same may be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings;" this provision, the gentleman from Vermont (Mr. MALLARY) says, was introduced to enable Congress to build forts. But the gentlemen from Virginia (Mr. ARCHER and Mr. BARBOUR) introduce it for a different purpose; they admit that the right to erect forts, magazines, &c., resulted, as a matter of course, from the power "to raise armies and provide for the common defence," but, they say, that this provision was introduced to enable Congress to purchase the sites with the assent of the States—this interpretation of the grant Mr. S. considered equally erroneous; for the General Government certainly possessed the same right to purchase real property within a State, and to erect buildings, or make roads upon it, that an individual, or other corporation, or body politic, enjoyed, without the consent of the State, and they had exercised it to a vast amount to secure debts, &c. Nay, more; they had the power, by the Constitution, to take "private property" for "public use," by making "just compensation;" and, if they can take it without the consent of the owner, *a fortiori*, they have a right to purchase with his consent. It was, therefore, evident, that this provision was neither introduced to give the right to erect forts, &c., nor the power to purchase sites; the object was clear—it was to give Congress "exclusive legislation" over our forts, to avoid the interference of State jurisdiction and State process. The reasons for this, he said, were obvious; he would not repeat them; but the same necessity for "exclusive jurisdiction" over roads and canals did not exist, though we had the same power to construct them. We could take the land and materials for their construction by making a "just compensation;" this was all that was "necessary or proper;" the jurisdiction could be safely left with the States. But, says the gentleman from Virginia, (Mr. BARBOUR,) Congress may thus take possession of the New York Canal, or eighty thousand miles of post roads already made. To this there was an easy answer—it would be an abuse of power—every power might be abused. You have, expressly, the power to raise armies and lay taxes, without limit; by the abuse of these powers you might ruin the country—and where is the remedy? It was in the people; it would be found at the polls. Every gentleman who has spoken against this bill, (continued Mr. S.,) has deprecated the power of Congress to make internal improvements as ruinous to the States, as a violation of their rights, or as an encroachment on their jurisdiction. One gentleman tells us it would "bring the interference of the General Government to every man's fireside, and make it odious to a free people." Another says, "the State governments" would thus become "secondary, degraded, and contemptible," and would be at last "virtually, if not actually annihilated." These were to him, Mr. S. said, very extraordinary arguments. What! ruin the States by internal improvements—destroy them by making roads and canals—"violate their rights" by giving them money—"degrade" them by increasing their strength, wealth, and resources, at the expense of the General Government! And, "virtually, annihilate" them, by distributing millions of the public money among them, for their common benefit! The sooner the States were thus ruined the better. The first to be destroyed, would be the last to complain. When the General Government goes forth among the States to exercise the fearful powers of taxation, "laying excises," "raising armies," and exacting contributions; carrying with her whole codes of laws, containing the severest penal sanctions, passed as incidental to these powers, we hear not a word about State rights; but when she goes forth with the public purse, not to fill it, but to empty it, not to raise, but to distribute money, then we hear the alarm about municipal laws, State rights, &c.; he thought those who supported the bill were more the friends of State rights and State interests than those who opposed it. But the gentleman from Virginia (Mr. BARBOUR) says that his construction will produce harmony, while the exercise of this power will produce collision between the General Government and the States. A strange kind of collision; a singular conflict; the General Government offering money to the States, and they refusing to receive it! Another honorable gentleman has said that this power of making roads and canals would lead to a "consolidation" of the Government. In one sense, Mr. S. admitted the argument to be well founded; they would consolidate, they would unite, and bind together the States by the strongest ties; they were (to use the language of General Washington, when speaking of the union of the Eastern and Western waters) "the best, if not the only cement that will bind us together for any length of time, and we shall," says he, "be deficient in foresight and wisdom if we neglect the means of effecting it."

But, the honorable gentleman next tells us, that the General Government, holding the "purse and the sword," is strong; while the States, in their separate capacities, are weak. That the General Government, clothed with this tremendous power of making roads and canals, will attack the States in detail, not with the sword, but with the purse. First, the honorable gentleman says, "Congress declares to Vermont, we must regulate and distribute your commerce—we will open for you a canal." "Congress wields the whole force of the Confederacy; the State must submit." "The General Government," he says, "next enters New Jersey, and opens a canal through that State." "It then turns to Delaware, and in succession passes from State to State, encountering each one singly, with its whole strength, influence, and patronage." "What then," exclaims he, "must be the condition of the individual States when these splendid objects are accomplished!" Mr. S. said, he was at a loss to answer the question; these poor little States thus cut up by the General Government with roads and canals, would present a most deplorable spectacle; however, he thought, if the General Government would offer any of these States a half a million, or even a million of dollars, to cut roads and canals, they would submit to the operation, however unpleasant. Yet, with all these views as to the dreadful and destructive tendency of this power to the States, the same honorable gentleman tells us, that, "to the grandeur of the plans for internal 'improvement, he was not insensible; their utility 'he acknowledged, and it would afford him the 'greatest pleasure to concur in their support; nay, 'more, he could join with the most ardent enthusiasm in aiding their prosecution, did he consider 'himself authorized by the Constitution of the 'Union." Such was his language. Indeed, their utility he had not heard denied by any; and those who denied the power, generally professed a willingness to amend the Constitution, so as to give it to Congress expressly. Yet we are told, that, had it been proposed at the formation of the Constitution, to give this power to the General Government, "the States would have as soon abandoned their sovereignty and returned to the jurisdiction of the mother country, as have surrendered it." Mr. S. said he would not comment on these arguments—they destroyed each other—they could not stand together. He would not detain the Committee, to whose indulgence he was already much indebted, by any further reply to the arguments which had been urged against the Constitutional power of Congress over the subject; but he begged leave to ask, what had been already done by Congress in selecting means "to carry into execution" the express powers "to establish post offices and post roads"—"to regulate commerce," and "to provide for the common defence?"

Sir, said Mr. S., you have passed, as incidental to the first grant, whole systems of laws relative to the transportation of the mail; you have created a distinct department, and commissioned thousands of postmasters, employed mail contractors, postriders, regulated postages, &c., yet not a word, not a syllable, was to be found in the Constitution about mails, or mail contractors, postmasters, or postages; then what right, he would ask, have you to legislate upon these subjects? The right was unquestionable—you have the power "to establish post offices and post roads," and you have also the power to do whatever "is necessary and proper" to carry this grant into effect. These were considered "necessary and proper" means to accomplish this end, and therefore you have the undoubted right to adopt them; and if roads were equally "necessary and proper" as a mean to transport the mail, which, he thought, could not be denied, then your right to make them was equally clear and unquestionable. This conclusion, he said, was plain, it was irresistible; ingenuity itself could not cast the shadow of a doubt upon it. But, sir, you have gone further, said Mr. S., you have, as incidental to this *incidental* legislation on the subject of "post offices and post roads," superadded another system of laws to carry your incidental laws into effect, denouncing the severest penalties against those who violate or contravene their provisions, even to the taking away the property, the liberty, and in some cases the life, of the citizens of the State, in their own territory; yet we hear not a word of complaint, not a word about violating State rights by municipal laws; nothing is said about "degrading" the States, rendering them "secondary and contemptible," or rendering the General Government "odious." You may take away the life, liberty, and property of the citizens, by virtue of your power "to establish post offices and post roads," but if, by virtue of the same power, you go into the States to distribute money for their benefit in making roads, then we are alarmed with the cry about ruining the States. When you come with the rope to hang the citizens, then you are welcome; but if you bring money to distribute among them, in making useful improvements, then you are repulsed as an unlawful intruder; he would ask gentlemen on the other side, was this consistent? was it reasonable?

Much, very much, continued Mr. S., has been said on both sides, as to the word *establish*, as it related to post roads. He had listened with pleasure to those recondite philological disquisitions; but, for his own part, he did not consider it necessary or material to resort to the phraseology of the grant for the power in question. The object was indicated by the Constitution; it was the transportation of the mail, and the means of its attainment followed of course. And what object was more important than the distribution of intelligence through the mail? Was it not important that the people should know all that was going on in this Government? Every thing here depends upon public opinion; how important, then, is it that public opinion should be enlightened. When the people ceased to be virtuous and enlightened, there was, he said, an end of liberty; there was an end of this free and happy Government.

But if the power in question depended upon the word "establish," he thought it was clear. If A, for a valuable consideration, grants to B the power "to establish" a mill road or a market road through his farm, does it not give to B the right to open and make the road? If it does not, the object of the grant is defeated; the grant itself is altogether nugatory, and useless and absurd. So the States had given Congress the power "to establish post roads," and if they have not the power to open and make them, the grant would, he contended, be equally useless and equally absurd.

But, said Mr. S., we have also expressly the power "to regulate commerce with foreign nations and among the States." And what have you done as incidental to this power, with a view to carry it into effect? Look at your commercial laws and regulations, literally filling whole volumes. He would not attempt an enumeration of the almost infinite variety of means employed to carry into effect this grant of power, not one of which were mentioned in the Constitution. And among the rest, the Government expended near $200,000 per annum in the support, erection, and repair of lighthouses, buoys, beacons, &c., passing up our bays and rivers, hundreds of miles into the interior—not only erecting lighthouses, but building sea walls, making surveys, removing sand bars which obstructed the navigation; and if you can come up the Potomac for this purpose, to this city, why not go on to Cumberland, or up the Mississippi and Ohio to Pittsburg, from whence ships had been fitted out and descended that river? If you can cut a sand bar, you can cut a canal; the expense might be different, but the principle and the power were precisely the same; you do all these things by virtue of your power to regulate foreign and domestic commerce. If roads and canals were equally necessary and useful in the interior, for the regulation of commerce among the States, you have the same power precisely to make them. The only difference was in the means; and there was not a country in the world where this power could be so happily and so profitably employed as in this. Mr. S. here referred to a variety of objects, to illustrate this idea, which were highly important, he said, to the facilitation of internal "commerce among the States." And, again, said he, you have the power "to raise armies" and "provide for the common defence." This grant, he said, carried with it perhaps a greater variety of means, or incidental powers, than any other; by virtue of this power, you have erected forts, armories, military academies; you have procured all the necessary supplies and appendages of an army—provisions, military stores, and the munitions of war. You have enacted the most rigid system of military discipline, authorizing courts martial to take away the life of the citizen soldier for a great variety of comparatively small offences. And where, sir, do you get the power to do all this? Not one word is said upon the subject in the Constitution. Still the power exists, though the Constitution is silent, and why? Because, having the power "to raise armies and to provide for the common defence," you have also, sir, expressly the right to provide the means "necessary and proper to carry these powers into execution." And it is clear, sir, that if roads and canals be "necessary and proper" for "the defence" of the country, you have expressly the power to make them; the only question, in fact, is, are they a fit and proper means for this purpose? And who could doubt it? Look at the experience of the late war! look at the waste of blood and treasure on your Northern frontier for want of good roads and canals, and say are they necessary for the defence of the country? These lessons were too recent and severe to be forgotten. Sir, roads are of primary importance. You provide cannon and military stores for "the common defence;" but of what use are they without roads, upon which to transport them to the places where they may be wanted for the public service? Sir, said Mr. S., I hesitate not to express the opinion that, if the plan of Mr. Gallatin had been carried into effect, if even the single canal, mentioned by the President in his late Message, to connect the Seat of the General Government with the Northern lakes, had been executed, all the disgrace and all the disasters that befel our arms on the Northern frontier, during the late war, would have been avoided. Sir, the waste of treasure, and the waste of blood, the noble, the generous blood of the brave and patriotic freemen of the West, which had been poured out like water, would have been saved to this nation. The transportation of a single cannon, in some instances, had cost near $1,000, and a barrel of flour $100, where it is usually bought for four or five dollars. With these facts staring us in the face, and their weight resting on our shoulders, who would deny that roads and canals were "necessary and proper" for the common defence?

But the gentleman from Virginia, (Mr. ARCHER,) who has just addressed you, admits the power to make military roads and canals. This, Mr. S. said, he considered a surrender of the whole question. The gentleman says it properly belongs to the power "to raise armies and provide for the common defence," and thus admits the right of Congress to select the means to accomplish the end of Government; and if a majority of Congress think roads and canals necessary and proper for the transportation of the mail, and the regulation of commerce, they have, undoubtedly, upon the same principle, and by virtue of the same power, a right to make them. But even suppose you confine its exercise to military roads and canals—by this you can accomplish all the great objects contemplated by the friends of this bill. If the honorable gentlemen will compare

Mr. Gallatin's report, which embraces the whole subject for mail, military, and commercial purposes, with the report of the distinguished gentleman now at the head of the War Department, on the subject of "military roads and canals," he will find their systems, in all material respects, to be the same. The Secretary of War, in fact, says, at the close of his enumeration: "Many of the roads and canals which have been suggested, are, no doubt, of the first importance to the commerce, the manufactures, the agriculture, and political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvement in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated, which is not highly useful for military operations, and which is not equally required for the industry or political prosperity of the community;" and had the roads and canals pointed out, he adds, "been completed before the late war, their saving, in that single contest, in men, money, and reputation, would have more than indemnified the country for the expense of their construction." He then recommends the very plan proposed by this bill for procuring the necessary plans and estimates, as preliminary to their execution; so that, by passing this bill, you do no more than has been required by the Secretary of War for military purposes alone; and the gentleman from Virginia, (Mr. Archer,) who has admitted the power to make military roads and canals, may, with perfect consistency, support this bill with a view to strengthen the military defences of the country. And, having the power to make roads and canals for the defence of the country, will it be seriously contended that the State through which they pass may defeat them, though indispensably necessary for the safety and best interests of the country? To give the power to defend the country, without the means of its execution, would be ridiculous and absurd; it would be a degree of folly which could not be imputed to the wise framers of our excellent Constitution; besides, these powers, he said, were perfectly innocent and harmless. What possible injury could result? If, in their exercise, Congress should transcend the limits of a sound discretion; if they should resort to means not "necessary and proper," to attain the end—the Supreme Court, possessing a power of supervision and control, will correct it. But, sir, if the liberties of this country—if the States have any thing to fear from the General Government, it is not from their incidental or resulting powers; it is from their great and express powers; the power to "raise armies" and to "lay taxes." Here their power is not only unlimited, but it is without check, without control.

But, Mr. S. said, he not only thought the General Government possessed the power over the subject of roads and canals, but he considered the question settled; if any question could ever be settled by frequent and solemn decisions in Congress, this was. He found in the statute book a whole system of laws under the head of "roads and canals;" and were all these laws unconstitutional? Laws for the construction of the Cumberland road had received the sanction of every Executive, and of almost every Congress, since the Administration of Mr. Jefferson, who had signed the first law on the subject. But the strongest and most unequivocal expression in favor of the power was to be found in the proceedings had in the last Congress, on the bill providing for the erection of toll-gates on the Cumberland road. This bill certainly carried the Constitutional power of Congress over the subject, to its utmost limit. It assumed complete sovereignty and jurisdiction within the territory of the States, establishing tolls, and inflicting pains and penalties upon those who might disregard or violate its provisions; yet this bill, thus exerting the Constitutional power of Congress to its utmost extent, passed in Committee of the Whole, (though it encountered the powerful opposition of the honorable gentleman from Virginia, who had just spoken, Mr. Barbour, and several others,) by a vote of more than two to one, and after an amendment was adopted, appropriating a sum of money to repair the road previous to the erection of the gates, the bill passed, by ayes and noes, by a large majority; and even Virginia and North Carolina, so remarkable for their Constitutional scruples, stood divided on the passage of the bill, the former 8 to 12, the latter 5 to 5. And, in the Senate, where the Constitutional powers of this Government were certainly well understood, where you find many of the most able, experienced, and enlightened Constitutional lawyers in this or any other nation, this bill passed with all its powers, and all its provisions, gates, penalties, money, and all, by a vote of 29 to 7, and even some of the seven who voted against it, he understood, were influenced, not by any doubt of the power, but by a doubt of the expediency of degrading this great, free, national road to the level of common toll roads, for the sake of the trifling sum required to keep it in repair. By this strong and almost unanimous decision, the question, in Congress, at least, ought to be considered as settled. He came next, Mr. S. said, to consider the second question: Is this measure expedient? And this, to his mind, was the most important branch of the subject. [Here Mr. Stewart gave way, at a late hour, for a motion to adjourn.]

The next morning, Mr. Stewart, after thanking the Committee for the indulgence afforded him by the adjournment yesterday, proceeded to submit his views on the question of expediency. On this ground, the bill, he said, had met with very little opposition. Gentlemen who had denied the Constitutional power of Congress over the subject, had generally admitted the expediency of the measure. Some objections, however, had been made to it on this ground, which first claimed his attention. The honorable gentleman from Virginia, (Mr. Archer,) has said, that the national debt of near one hundred millions, should be first paid.

Mr. S. said, that he was quite sure that he felt as much anxiety as that honorable gentleman to discharge the national debt, and he would go as far to retrench the expenditure of the Government, to accomplish it. But the national debt, he said, had been overrated. The honorable gentleman would find, after deducting the three per cent. stocks, the subscription to the National Bank, and the amount of seven per cents. which would be discharged by the balance now in the Treasury, the amount to be redeemed of the national debt, instead of one hundred millions, was, in fact, little more than sixty-one millions, which, by the regular application of the ordinary sinking fund would be entirely extinguished in less than eight years. What then was to be done with the sinking fund of ten millions per annum? Was it to be wasted in idle extravagance? Besides, Mr. S. said, many of the present sources of expenditure would soon be dried up. The annual appropriations for the erection of forts, and the gradual increase of the Navy, would soon be rendered unnecessary, by the accomplishment of those objects. Our enormous pension list must soon be reduced by the hand of time, and the annual expenditure upon this Capitol, this splended monument of national extravagance, which had cost as much as would have completed a canal from here to Cumberland, must cease. These results would produce an annual saving of near three millions per annum, which might be well applied to internal improvement; or, if gentlemen would consent to give to this object the increase of revenue, which would arise from the adoption of the new tariff, it would be sufficient for two or three of the first years of its operation.

Another objection made, was, that this measure would lead to an unequal distribution of the public funds. This Mr. S. said must depend upon the plan hereafter adopted. For his own part, he was free to say, that he would prefer a plan to distribute the fund set apart for this purpose, among the States, according to their representation in this House; reserving to Congress the right to designate the objects upon which it should be expended within or adjoining the several States; and, by referring to Mr. Gallatin's report, it would be seen that there was scarcely a State in the Union which was not intersected or bounded by some great national object of internal improvement. This fund, yielding an annual and certain aid to the States, would give a general impulse to improvements throughout the Union; it would stimulate and strengthen the efforts of the States; and induce them, in many cases, to commence great undertakings of this kind, which would never be attempted without it.

Thus the distribution would be salutary, it would be just, equitable, and beneficial to every portion of the Union. But, Mr. S. said, he would ask the honorable gentleman from Virginia, whether the expenditures of the General Government were, in other respects, equal among the States? Look at the immense expenditures on the seaboard, in the erection of forts and other public works of defence, in building and supporting a Navy, for the protection of foreign commerce, and for defending it against foreign aggression; the late war was emphatically a war in defence of "Free trade and sailors' rights;" in support of which the interior of the West had expended their full portion of blood and treasure. Of the five hundred and sixty millions of dollars expended since the formation of the Government, how much had gone to the benefit of the interior, in promoting internal commerce among the States? Scarcely two millions for constructing the Cumberland road, and this trifling sum the State of Ohio was required to refund. Was this an equal, was this, he asked, a fair distribution of the public funds? Must all be devoted to foreign commerce, and nothing to internal commerce among the States? Sir, said he, the interior is now laboring under a complication of difficulties, which rendered their situation truly distressing. The manufacturing establishments, which heretofore furnished a market for the farmer, (for want of adequate protection,) had sunk under the weight of foreign competition; without canals, the products of agriculture would not bear transportation to the Atlantic markets; thus, the farmer, without a market, was left without a motive to industry. Here Mr. S. mentioned a variety of facts, showing that the West paid annually a tax of near three millions of dollars for the transportation of goods, and a heavier duty was paid on glass and other articles carried from the West to Baltimore, than was paid by the foreign article in the same port; nineteen-twentieths of this expense would be saved by a single canal connecting the Eastern and Western waters. He then took an extensive view of the canals and internal improvements in England, where twenty-two canals crossed their mountains, uniting the eastern and western waters of that Kingdom. He also adverted to the policy of France, Holland, and several other European nations, and contrasted their policy in this respect with our own. While no nation, he said, possessed the same advantages, the same facilities, or the same inducements, as this, for internal improvements, yet none had done so little. As a nation, he said, we had done almost nothing; we were far behind the Holy Alliance, and had scarcely kept up with the Ottoman Porte in attending to the internal concerns of our own country, by developing its resources, and facilitating internal trade by internal improvements. If we were asked by our constituents why we lavished millions every year, for the benefit and protection of foreign commerce, and did nothing to promote internal commerce among the States, were we prepared to give them a satisfactory answer?

But, as nothing but what was foreign appeared to satisfy some gentlemen; as they appeared to have an aversion to every thing that was domestic, that was internal, that was American, whether in reference to commerce or manufactures, still they might, he said, be gratified—they might have foreign commerce at home, at least if distance made commerce foreign. For instance, he said, our Atlantic merchants might be as profitably employed to themselves, and much more so to the country, in importing lead from Missouri, instead of bringing it from Europe. While the voyage would be equally foreign as to distance, it would be infinitely more secure and advantageous. In a single year (1816) we had imported from abroad more than 20,000,000 of pounds of lead. Every year cost the nation more than half a million of dollars, while our own country furnished this article in inexhaustible quantities. In the West, we had whole districts of country literally composed of lead, sufficient to supply the universe; yet, for want of the necessary facilities for transportation, such as this bill was intended to afford, these immense sources of national wealth, of national independence, remained, and must continue to remain, dormant and useless. This was a single instance selected to illustrate the policy of this measure, while the argument would apply with equal force to an almost infinite variety of other sources of wealth in the interior, as iron, glass, &c., the raw material of which remained buried in the earth, useless and unproductive, and which only required the plastic and vivifying touch of governmental patronage and protection to spring at once into useful and prosperous activity.

Mr. S. here introduced another argument in favor of this measure, drawn from its evident tendency to enhance the value of the public lands, of which the Government still had for sale more than 400,000,000 of acres, and with respect to which Congress had expressly, by the Constitution, power to make "all needful rules and regulations;" and certainly there could be no "regulation" better calculated to increase their value, to facilitate their sale, and to induce their settlement, than a good system of roads and canals, opening a cheap, free, and easy communication with them. In support of this argument, Mr. S. read several extracts from Mr. Gallatin's report, made in 1808, which states, among other things, that "the 'opening of an inland navigation from tide-water 'to the great lakes would immediately give to the 'great body of lands bordering on those lakes as 'great value as if they were situate at the distance of one hundred miles by land from the 'seacoast; and if the proceeds of the first ten 'million of acres which may be sold were applied 'to such improvements, the United States would 'be amply repaid in the sale of the other ninety 'millions." Mr. S. also referred to some calculations made on the subject, in a letter addressed to Mr. Gallatin by Mr. Robert Fulton, to whose genius the world was so much indebted, in which he demonstrated that the public lands, six hundred miles from the seaboard, would, by the use of canals, enjoy all the advantages of those within fifty miles of it by land. "Every mile of canal, he stated, through the public lands, would accommodate 25,600 acres;" "and the land sold, says 'Mr. Fulton, in 1806, averaged about two dollars 'per acre—with a canal it would produce six 'dollars. Thus, he says, only twenty miles of 'canal each year running through national lands 'would raise the value of 512,000 acres, four 'dollars per acre, giving $1,048,000, a sum sufficient to make 136 miles of canal." Hence, it was evidently the interest and duty of the Government speedily to adopt a system of policy which, while it greatly increased its revenue and resources, would at the same time open a market to the West, facilitate trade and intercourse, unite the great geographical sections of the Union, and thus promote the permanent prosperity of the nation.

Sir, said Mr. S., possessing, as we do, the only free Government upon earth, blessed by Divine Providence with every variety of climate and of soil, unconnected with Europe, and strangers to the storms which disturb her repose, enjoying tranquillity at home, and at peace with all the world, it is the policy of this Government to turn its attention to its own internal improvement, to bring into activity its own immense resources, which, as yet, were but partially developed; to minister to the wants and relieve the distresses of our own people, by seeking out and adopting appropriate remedies, by building up proud and permanent and glorious monuments of internal improvement, which will remain to the latest posterity as so many memorials of the wisdom and munificence of their ancestors. Unique in our situation, occupying a proud pre-eminence among the nations of the earth, sir, we owe a great example to the world, not by conquering and destroying nations, but by cultivating the arts of peace, by making our people as prosperous and as happy as they are free. His heart, Mr. S. said, beat high with joy and gladness when he contemplated the delightful prospect which, he flattered himself, was rapidly rising into view, when this nation would cease to be dependent upon European skill and industry for the supply of its wants; when we should enjoy the utmost degree of prosperity; when New England, now sufficiently populous, instead of Old England, should become the great and principal seat of our manufacturing establishments—the South cultivating and supplying the raw material, while the West, offering to the hand of agriculture a rich and productive soil, will always afford the breadstuffs in abundance. Thus, the great sections of our Republic will become customers instead of rivals, mutually dependent upon each other both for a market and a supply. Then, with the proposed system of internal improvement, by which the provisions of the West would find a rapid, cheap, and easy conveyance to the East, in exchange for return cargoes of manufactured articles, and the cottons of the South enjoying similar facilities of exchange with the North, our independence would become perfect, and our Union indissoluble.

In a country, continued Mr. S., so extensive as this, spreading itself over an almost unlimited extent of territory; divided into great geographical sections by high and almost impassable mountains, and presenting an exposed military frontier of seven or eight thousand miles, a well regulated system of internal improvements, whether regarded in relation to its military strength, or its political stability, or its commercial prosperity, was of the utmost importance. With it, we would be the strongest, without it, the weakest, nation on earth, possessing the same population and resources. Sir, said Mr. S., this nation must depend, for its security and its liberty, not upon standing armies, but upon the virtue and patriotism of the people—on the militia, the citizen-soldiers of the Republic. Standing armies, in time of peace, he deprecated, as inauspicious to freedom; he regarded them as a most destructive bane, and intolerable burden. The strength of this nation, therefore, in all emergencies, would be in proportion to the facility with which the physical force of the country could be promptly and rapidly concentrated at any point where its presence might be required, whether "to suppress insurrections" at home, or "to repel invasions" from abroad.

Suppose, said Mr. S., your seaboard to be threatened by the combined fleets of Europe, without the possibility of knowing at what point you were to be attacked, what would be a standing army of even one hundred thousand men, distributed along a maritime frontier of three or four thousand miles, without facilities for prompt and rapid concentration? They would be weak and inefficient. How much more powerful and effectual would be a system of inland navigation, extending from the North to the South, connecting in one common chain the whole of your Atlantic cities, and thence, like the radii of a circle, penetrating the interior to its centre, enabling the whole physical strength of the country to be rapidly delivered at any given point, where they could move, with all the munitions of war, "*pari passu*" with the enemy, always fresh and unbroken by the fatigue of long and forced marches? These advantages, said Mr. S., are not imaginary. They have been already, in some degree, realized on the New York canal, where we now transport troops and munitions of war more than three times the distance in the same period, and at less than one-third the former expense, without fatigue to the soldier, or the destruction of property attendant upon land transportation. As a means of national defence, therefore, roads and canals were incomparably the best. In peace, liberty had nothing to fear from roads and canals—from standing armies it had. In peace, forts were useless, nay, worse—they were a burden of expense. Roads and canals, whether in peace or in war, afforded every facility for commercial intercourse, and, if made by subscribing stock, would be, instead of a public burden, a constant source of revenue to the Government, presenting such facilities that, by stamping on the earth, an army will spring into existence, and rush to the point of danger or alarm.

But, independent of their military and commercial advantages, roads and canals, considered in a political point of view, would form one of the most powerful bonds of union among the States. They virtually removed mountains, conquered time and space, brought distant parts of the country more nearly together, and united them by the strong ties of friendship, of interest, of intercourse. And here he begged leave again to quote the language of Washington, the Father of his Country, whose solemn advice could never be too often repeated. In speaking of the Western country, forty years ago, he says: "For my own part, I 'wish sincerely every door to that country may 'be set wide open, and the commercial intercourse 'with it rendered as free and easy as possible. 'This, in my opinion, is the best, if not the only 'cement, that can bind these people to us for any 'length of time; and we shall be deficient in 'foresight and wisdom, if we neglect the means 'of effecting it. Our interest," he says, "is so 'much in unison with this measure, that nothing 'short of that ill-timed and misapplied parsimony, 'and contracted way of thinking, which intermingles so much in our public councils, can 'counteract it."

If the policy which opposed this measure forty years ago, was justly considered unwise, ill-timed, contracted, and illiberal, what would be said of it now? Since then, a new world, as if by magic, had sprung up in the West; the wilderness had yielded to the hand of industry; ships had taken the place of the Indian's canoe, and splendid cities and towns, and cultivated fields, had risen on the ruins of savage huts. If it then required roads and canals as the "best and only cement," to hold together the East and the West, how much more are they required now? Then the Western people were surrounded by powerful and hostile savage tribes; they were not only dependent on the Atlantic States for protection and for supplies, but were bound to them by all the ties of a common kindred, and filial affection, bearing to the Eastern States the relation of the first colonies to the mother country. But how is it now? The population of the West is the growth of its own soil; their wealth and resources are increasing every day; they are becoming, of themselves, a great and powerful people, and, as they increased in weight, it would be the part of a wise policy to increase the number and strength of the ties which unite them to the East. Though it is true, sir, that the West cling to their brethren of the East, with a fond affection and an ardent attachment; though they cheerfully perform an annual pilgrimage over yonder rough and rugged mountains, to worship here with "a more than Eastern idolatry," at this temple of liberty, this altar of our Union; yet, sir, remember that the time may come (which God forbid) when an unwise and unjust policy may weaken those attachments, however strong, and stifle those affections, however pure. Though all is now sunshine, still a cloud may yet appear to darken and to mar our political horizon. How long was it since the threat of resistance, the thunder of rebellion, was heard on this floor from another quarter? Though he did not, for his own part, apprehend any danger, at present; yet it was, he repeated, the part of a wise policy to strengthen, by every possible means, the ties which bind this Union together; for, upon it depended the peace, and the happiness, and the best hopes of this people. Destroy this, and you extinguish the last lamp of liberty; you prostrate the last citadel of freedom. Thus, freedom left without a friend, and liberty without a sanctuary, the fell principles of "the Holy Alliance" would spread, unresisted, their gloomy dominion over the universe.

Sir, said Mr. Stewart, I feel that I have trespassed too long on the patience of the Committee, and will only add, that the power to pass this bill is as clear to my mind, as its exercise is expedient. Sir, said he, it is almost the only power you possess of conferring benefits and blessings upon the States; of expending the people's money for the people's benefit; and its exercise, more than any other, would tend to promote and to perpetuate the union, harmony, and prosperity of this nation; and, as he considered this the most salutary power that the General Government possessed, so it would be the last that he would consent to surrender. It was a power which every well-regulated government must possess—the power of self-improvement.

Sir, said he, defeat this bill, and you give the death-blow to the best hopes and best interests of this nation. Pass it, and one other, (he meant the tariff,) and the 18th Congress will have nobly done its duty. It will be hailed by future generations as having laid the foundation of a system of policy which would soon raise this nation to the high and brilliant destiny that awaits it.—Let the fate, however, of these measures be what it might, he would, at least, have the satisfaction, he said, of recording his name in their favor.

Thursday, January 29.

On motion of Mr. Webster, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of providing, by law, that the publishers of newspapers, and other periodical journals, may be allowed, in transmitting such newspapers, or journals, by mail, to accompany them with bills, or memorandums of account, on such conditions, and for such additional rates of postage, as may be thought proper.

The Speaker laid before the House a letter from William P. Duval, Governor of Florida, accompanied by a printed copy of the "Acts of the Legislative Council of the Territory of Florida, passed at their second session, 1823;" which letter and acts were ordered to lie on the table.

The amendment proposed by the Senate to the bill, entitled "An act to alter the times of holding the District Court at Mobile, in the District of Alabama," was read, and referred to the Committee on the Judiciary.

The amendments proposed by the Senate to the joint resolution in relation to an intended visit of the Marquis de Lafayette to the United States, was read, and concurred in by the House.

The bill from the Senate, entitled "An act for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, derived from the Governments of France and Spain," was read twice, and committed to the Committee on the Public Lands.

Ordered, That the report of the Committee on the Public Lands, made on the 12th instant, on a proposition to revive and continue in force the provisions of "An act for the relief of the purchasers of public lands prior to the 1st of July, 1820," be recommitted to the Committee on the Public Lands.

The report of the Postmaster General, made on the 27th instant, in relation to an equalization of the compensation of deputy Postmasters, were referred to the Committee on the Post Office and Post Roads.

SURVEYS FOR ROADS AND CANALS.

The House then went into Committee of the Whole, on the bill for obtaining the requisite plans and estimates on the subject of roads and canals.

Mr. Stewart concluded the speech which he began yesterday, in favor of the bill, as given entire in preceding pages.

Mr. A. Stevenson, of Virginia, in rising, said, that he had not the vanity to suppose that any argument which he could offer on this subject would change the opinion expressed by the House, in the previous vote on this bill. Indeed, he should have considered himself precluded, by his respect for the House, from any attempt to discuss, at this stage, the important principles involved in this bill, had not the House evinced, by consenting to recommit it, a willingness to have it more fully and freely debated. Under this impression he rose, at this protracted stage of the debate, to discharge what he believed to be a sacred duty, and to ask the indulgence of the Committee, whilst he presented, as briefly as he could, his views on this interesting and important subject.

He did not intend, Mr. S. said, to discuss at large the expediency of the system, towards which this bill was avowedly a preliminary step, and which might justly be considered as the first link in the mighty chain of constructive power. Candor, however, required him to say that, if he believed the power claimed could be exercised without a violation of the Constitution, yet he would refuse to exercise it.

He concurred in the opinion expressed by the distinguished gentleman from Kentucky, (the Speaker,) that political power was the highest which could be given by man to man. It was the most sacred trust that could be reposed in an earthly tribunal; but he had yet to learn how a refusal to exercise any power, which might be deemed unwise or inexpedient, could be construed into an abandonment of duty, or treachery to the nation. He would not follow gentlemen in the wide range they had taken, as to the expediency of this measure, but would content himself with presenting some general remarks, in relation to this branch of the subject, before he came to discuss the question of power.

There are many and powerful considerations, Mr. S. said, which, in his opinion, forbid the exercise of this power by the General Government at the present time. The subject was one peculiarly fitted for the State governments. It was one of a local, rather than a national character; and could only be well executed by the local authorities. All these schemes of internal improvement must have their rise, Mr. S. said, in local interests and feelings; and he put it to the candor of the friends of this bill to say, whether their contemplated schemes for improvement had not their origin in local views. What security, Mr. S. asked, by the present Constitution, should we have for equality, in the disbursements of the millions which would be necessary for the execution of these splendid and magnificent schemes? None, none, but legislative discretion and pleasure. Does not every impartial mind see that the resources of the nation, derived from all, would be used for local rather than national objects; and that favorite portions of the Union would receive the benefits, whilst other parts could not participate?

Sir, said Mr. S., instead of promoting those great national benefits, which the imagination of the honorable Speaker has sketched in such bright perspective; instead of promoting union and peace among the States and the people, it would be the apple of discord and disunion. Look to the situation of some of the old States, and see what would be the operation of this system upon them. There are many of them who deny the Constitutional power now claimed, and believe it cannot, and ought not to be exercised by this Government. They have maintained that opinion from the foundation of the Government to the present time. They have heretofore refused to participate in any of these schemes, and would, he had no doubt, continue to preserve their consistency. In relation to my own State, said Mr. S., I feel a proud confidence that she will not abandon the high ground which she has heretofore so well and so ably sustained. Virginia, sir, has maintained too long her worship at the altar of the Constitution, pure and undefiled, to be seduced from her allegiance by golden considerations, or alarmed by any mistaken apprehensions of disunion or disaffection. Virginia is not insensible to the benefits of internal improvement; she is now actively engaged in this great work; but she asks not the aid of this Government, and would scorn to receive it, by a sacrifice of her principles, or an abandonment of duty. There are other States which hold the same sentiments. What, then, is our situation? Why, the resources of our nation are to be seized on, to aggrandize our Western and Northwestern brethren; to subdue the Western floods, and tame their mountains; and, if we refuse our assent, we are told that "the Union may be endangered and shaken to its centre."

Sir, said Mr. S., I entertain no fears upon the subject. No man can make me believe that the rejection of this bill, or the refusal to exercise the power now claimed is to separate these States, or alienate the affections of the West from the Union. Our Western brethren are too patriotic and high-minded; they bear too noble and lofty a spirit they are bound to us by too many and endearing ties; they have poured out their blood too freely in defence of every thing which can be dear to freemen—to let any mistaken or momentary feeling hurry them into anarchy or disunion. In opposing this bill, Mr. S. disclaimed any unfriendly feeling towards the West. He could say, with an ancient worthy—

"Amicus Plato: sed magis amica veritas."

He loved the West, but he loved the Constitution and interests of his country more.

He called upon gentlemen to pause! If this power must be exercised by this Government, let it be by an amendment of the Constitution. A proposition to that effect had been submitted in the other branch of the Legislature. Let us wait its issue; present the question fairly to the people; (I do not say that I will vote for it;) but if they, after fully understanding and weighing the subject, shall determine to give you this power, then, and not till then, attempt to exercise it.

Mr. S. said that he would now proceed to the question of Constitutional power. Have Congress a right to project and execute a great national scheme of internal improvement, by means of roads and canals? This was the view in which this bill had been sustained by the able and ingenious arguments of its friends; and it was, Mr. S. said, his intention to examine and answer these arguments as far as he was able. Before, however, he did so, he begged to be indulged with a few preliminary remarks upon the indisposition which was always manifested in this House, to Constitutional discussions. It must be obvious to those who had been here but for a short time, that arguments of this character were never very graciously received on this floor; and especially where they were supposed to conflict with favorite or interesting schemes of national policy. If there was nothing in the measure proposed, and objected to, offensive to the great principles of civil liberty, or republican Government, gentlemen were not disposed to examine very nicely the powers between the two Governments. The line between powers surrendered and those retained, they were not anxious to draw, provided any good end might be obtained, by the exercise of the immediate power claimed. We hear it daily rung in our ears, said Mr. S., that these discussions are idle; that this will, and must, become a great and splendid Government; and that it is folly to suppose that we have not, and ought not to have, the powers to accomplish it. Virginia, too, is ridiculed and abused for her scruples and her jealousy upon this subject. Sir, let me tell this House that the period is approaching, if it has not arrived, when Constitutional discussions must and will be listened to here. The people are getting roused, and the subject is coming home to the bosom of every man. Human affections and attachments, Mr. S. said, had been aptly compared to solar heat, which decreases in proportion as it recedes from the sun. This was true in relation to Government. As it extended and spread out its limits and population, the extremities would become weakened, and corresponding energy and power must be given to the centre.

When the Government was formed of the old thirteen States, fears were then entertained by many of the wise men who formed it, that its territorial limits were too large for a single Government, and that it would require too much power to govern well. What would then have been thought, if it could have been foreseen that, in forty years, we should have been pushing our limits to the waters of the Oregon, a distance from the Seat of Government of some four or five thousand miles?

Sir, is it not demonstrable that, as you extend your territorial limits, the power in the centre will, like the snow-ball, continue to increase; and that a spirit of jealousy will arise in the States and among the people, unfriendly to the Government? Do we not know that this is now the case, and that more danger is apprehended from tyranny in the head than anarchy in the extremities? Is it not what might be expected? Do we suppose that the people are willing to abandon their State governments as useless corporations?—those governments which brought them through an age of revolution, and cheered them amid the gloom of a long and bloody war; those governments to which the people look up for the protection of their dearest rights, and consider as the safe-guard of their liberties! We may hug ourselves in the consciousness of possessing power which cannot be taken from us; but the eyes of the nation will be upon us. No Constitution, said Mr. S. possesses the power of preserving itself; no parchment barriers ever did or can preserve a government: it is to the virtue and intelligence of the people that we are to look. Without this, your Constitution, when opposed to the lust of power, would be a dead letter; a miserable, empty reed, dashing against a Colossus. There is, besides, no friendly third Power to decide between the States and General Government in conflicts for power. These considerations ought to teach those who are rulers in the respective governments the necessity of caution and forbearance in the execution of their powers—to recede from, rather than to overstep, the line of separation; and to invite, rather than to scowl upon, Constitutional discussions. It is only by this course, said Mr. S, that we can preserve the Union, and the liberties and happiness of the people. As to my own course, Mr. Chairman, it has long since been settled. I came here to exercise my duty in good faith; and, whilst I will not, by an improper or weak exercise of power, paralyze the energies of this Government, or defeat the great objects of its creation, I will not legislate into the Constitution one scintilla of power, or assume even that which I may think doubtful, to obtain any object, however desirable.

Sir, said Mr. S., I can never forget the words of the venerable Clinton, when, in the Senate of the United States, he rejected the bill rechartering the Bank of the United States. He said: "In the 'course of a long life, I have found that Govern'ment is not to be strengthened by an assumption 'of doubtful powers, but by a wise and energetic 'execution of those which are incontestable: the 'former never fails to produce suspicion and dis'trust, whilst the latter inspires respect and con'fidence."

These words ought to be written in letters of gold upon your Coliseum, and over the doors of this Hall; and he would go still further, (much as he was opposed to amendments to the Constitution, and despised oaths,) and to the oath which every member of this House takes to support the Constitution of the United States, he would add the words, "and never exercise a doubtful power."

Mr. S. said, that, before he came to comment upon the two parts of the Constitution which the honorable Speaker and his friend from Delaware (Mr. McLane) relied on as deriving this power, he would make a single remark upon the discrepancy which existed amongst the friends of the bill, as to the sources of the power claimed. The Speaker had defended this diversity of opinion, and thought there was nothing extraordinary in it. He said that it was common for men to view the same subject under different aspects. That it was favorable to the assertion of the power claimed, inasmuch as the same result was obtained by so many various modes of reasoning. Sir, said Mr. S., I protest against arguments like these, as applicable to a written and limited Constitution. Can it be believed that a power like that claimed—a power involving all the highest attributes of sovereignty, should have been wholly omitted in the specification of powers, and left as accessorial to half a dozen subordinate and inferior powers? The friends of this bill are completely at war among themselves, as to the true source of the power. One gentleman comes forward and claims it under the clause "to establish post offices and post roads." A second disclaims this source, but seeks it under the right to "regulate commerce." A third does not believe it is in either, but maintains that it is given by the clause empowering Congress to "declare war." A fourth, from the power to appropriate money. A fifth, from the clause authorizing us to pass all laws "necessary and proper" to carry into effect the powers vested in the General Government; and a sixth, from the power to "provide for the common defence and general welfare." Now, is it not singular, Mr. S. asked, that a power of such magnitude should have been left to implication, and be capable of being attached, by ingenious construction, to so many and such conflicting powers, in an instrument so distinct, so cautious, so minute, in all its specifications, as the Constitution of the United States? The honorable Speaker, in his able and ingenious argument, took his stand upon the power to make post roads, and to regulate commerce between the States, though he admitted that the commercial clause was the most doubtful source of power. He contended that the whole question turned upon the true signification of the word "establish," which he asserted to mean (in the sense in which it is used in the Constitution) to "fix," "build," "create," "make firm." Mr. S. said, that he was not a little astonished that the Speaker should, in the construction of an instrument so sacred as the Constitution, have confined himself to verbal criticism and a play upon words. Did he go back to the period when the Constitution was formed, or give us the circumstances which led to its formation? Did he call to his aid any of the able writers who have given us commentaries on its meaning? Did he show us how these clauses in the Constitution were considered by the Conventions who ratified it? Did he resort to the discussions in the State Conventions? Did he compare the various parts of the instrument with each other? No, sir; he told us simply that the word "establish" meant to create; and that the whole argument turned upon the true signification of this word.

Now, said Mr. S., I am directly at issue with the Speaker, as to the meaning of this word "establish." If we go to philological authority, or common usage, it is much oftener used to signify "confirm," "adopt," "designate," than to create, construct, or build. Establish is to render certain, fixed. We speak of an "established church," or an "established religion." We do not mean a church or religion created, but one fixed, confirmed by authority. The word "establish," includes the idea of authority, when used in a legislative sense. It has been said that, to ascertain its signification, (in the clause under consideration,) we must resort to other parts of the Constitution, when the word is used in the same sense, or in relation to the same subject.

In the seventh article of the Constitution, it is said that the assent of nine States shall be sufficient for the "establishment of this Constitution." Now, this word establish was used there to mean confirmation, adoption, ratification. It was not intended to mean "creation," because the Constitution had been previously formed, and was in being; it was only to be presented to the people to be adopted and confirmed.

Again: there were other strong legislative illustrations, Mr. S. said, (though he scarcely thought this verbal criticism befitted the dignity of that House,) which would go to show this word "establish" was intended to be used by the framers of the Constitution. In the year 1775, Congress appointed a Postmaster, with power to "establish" lines of weekly posts from New England to Georgia. Now, Mr. S. said, it would not, he presumed, be contended that the Postmaster General, during the Revolutionary war, under the power to "establish posts and post lines, or routes," could have exercised or claimed the power of creating and actually making roads, against the will of the States. Then Congress had no more power over the territory or jurisdiction of the States than they had in any country in Europe. It was only meant to give the power of designating and marking out the particular roads or routes to be used as post roads; and such, no doubt, was the meaning of the framers of the Constitution in giving Congress the power to "establish post offices and post roads."

Indeed, Mr. S. said that this was their meaning, was rendered clear to his mind, beyond doubt, by the provision in the Articles of Confederation upon this subject. Under the Confederation, it never was contended, by any, that Congress could have forced their way into the States to make roads and canals. The States were, then, to be coaxed into measures, not coerced. Yet the Articles of Confederation gave to Congress the power of "establishing and regulating post offices, from one State to another, throughout the United States."

This power was transferred from the Articles of Confederation to the Constitution; and the word "establish," used in both, was to be understood in the same sense. He thought that this was conclusive.

But, Mr. S. said, he would discard all arguments arising from the literal meaning of this word "establish" and would go to a fair and just construction of the Constitution, as it was understood by its framers and the people, in relation to the extent of this power now claimed.

He laid it down as an incontrovertible rule in the construction of all written instruments, that if the meaning be clear, all the consequences, whatever they may be, were to be admitted; but, if the meaning be doubtful, then it was fairly triable by its consequences. Now, it would be conceded, he presumed, by all, that the power claimed was at least a doubtful one, and, if so, that it was fair to examine the consequences to which it would lead, by way of proving that it never was intended to be given. Let us see, said Mr. S., what these consequences are. If this power exists, it is one independent of the State Governments. It may be exercised against the consent of the States and the people. The General Government can force a way through the States—take land; make roads of any dimension; cut timber; put up gates; collect tolls; build houses; appoint keepers; punish for injuries to the roads; impose penal sanctions, &c. The jurisdiction, he said, must be either in the States or the General Government. It cannot be in the States, because, if it was, they might resist and defeat your power. It must then be in the General Government. You get the right of soil, and the right of exclusive jurisdiction. You may extinguish (and indeed must) all State authority, Legislative, Executive, and Judicial. Your jurisdiction becomes national and municipal, and precisely the same as in forts, dockyards, &c.

Now, said Mr. S., I deny that the Government of the United States can exercise jurisdiction over soil, in a national view; but in two cases. 1st. Over the District of Columbia, and such places as they may purchase by the consent of the Legislatures of the State in which the same shall be, for the erection of forts, &c. 2d. By their power of taxation. These are the only two cases under the Constitution in which the General Government can acquire land as a sovereign Power. Mr. S. said, he did not mean to go into the discussion of the question stated the other day by his colleague, (Mr. BARBOUR,) as to the power of this Government to purchase and hold land as an individual; but if this could be done, (and he would now neither admit nor deny it,) it must be held subject to the State jurisdiction. The vendor may pass the right of soil, but the territorial jurisdiction remains with the State. The *lex loci rei sita*, Mr. S. said, was universal, as to the reality. The General Government was as much bound to conform to the municipal laws in relation to title to land, and conveying that title, as individuals—7 *Cranch*, 117.] Writers upon public law tell us that one sovereign may hold land, within the territory of another sovereign; but subject to the territorial jurisdiction of the latter—[*Vattel.*] Now, said Mr. S., if I am right, (and I call upon those who are friendly to this bill to answer and show where I am wrong,) if this Government can only in two cases acquire right of soil and jurisdiction in a national view, what becomes of the power now claimed to make roads and canals, and to exercise Legislative, Executive, and Judicial authority, in their national, sovereign character. Besides, how would you execute this power against the consent of the State governments? You would be compelled to condemn the land and pay for it, or take it by force, and be a judge in your own case, of its value, contrary to every principle of justice and right. If you resort to writs of *ad quod damnum*, the juries in the respective States would fix so high a value, as to defeat the exercise of the power. But, it is said, that all that is claimed, is a right to make and preserve the road, and have a right of way; but, suppose the road is injured, how is the trespass to be punished. The State will not do it, the road is not theirs, and was made contrary to their consent. They cannot punish for a violation of Federal laws. Who is to prosecute and punish? The General Government. And for this purpose you will be forced to send into the States your judicial and ministerial officers, and to plant on these one hundred thousand miles of road, individuals who may set at naught all State law and State policy. Nor can the State governments punish for the higher offences—of murder, or any other crime committed on a road, over which the General Government have exclusive jurisdiction. Such now is the law, as to forts, dockyards, &c., and such, Mr. S. said, must be the case, if the power now claimed can be sustained. There were important reasons why the Constitution so cautiously guarded against exclusive jurisdiction, even as to forts and dockyards. It was to protect the territorial rights of the State governments. Can it be believed, that in such cases it would require the assent of a State to give jurisdiction as to a miserable fort or dockyard, and yet leave them at the mercy of this Government, in relation to this important and sweeping power? Mr. S. said, he thought not. Again, would the authors of the Federalist have viewed this power to establish roads as such a "harmless one," unworthy of discussion, if they had supposed that it conveyed such powers as are now claimed under it. Would the able and enlightened men who opposed this Constitution in the respective State conventions, have permitted it to pass without objection, when other powers, comparatively small, were seized on, and wielded with the most gigantic power, against the adoption of the Constitution. Do you imagine, Mr. Chairman, said Mr. S., that if the whole power of internal improvement was intended to be given to this Government, by this clause, that the acuteness of such men as Patrick Henry and George Mason, would not have detected, and the thunder of their eloquence denounced it? But how was it considered? In no other light than as a harmless and unimportant power. Is it then fair to push the terms of a grant against the plain intention of the parties to it? Is it just? Is it honest? But how was this power viewed in the early stages of our Government? Only as a right to designate, adopt, and mark out, post roads. When the first law passed, after the adoption of the Constitution, what were its provisions? That all the post routes which had been established by the Postmaster, theretofore, should be confirmed. Had he made, erected, or constructed, any roads? Had he the power to do so? No, he had only designated them, and the word *establish* was used in reference to roads which had been *designated* and marked out as post routes. [Here Mr. S. read parts of the old Post Office law]

Look, said Mr. S. to the pamphlets, essays, and newspapers, of those times; to the arguments and discussions at the time the Constitution was under consideration; to the opinions expressed by its friends and foes; and see if a hint can be found, of such an interpretation as is now attempted to be given. No, sir, (save in the Convention of New York,) I think I may say, with safety, that no such thing can be found, and even there the case was supposed as going to show the evils of construction which might be resorted to under the Constitution.

There was, Mr. S. said, another and high authority against the consequences of this doctrine of the gentleman from Kentucky, (Mr. Clay,) and that was himself. The power to make roads and canals, gives, he says, incidentally, the power to incorporate companies, to accomplish that end. In other words, the incorporation of companies may be resorted to as a mean of executing the power to make roads and canals. In 1811, the honorable Speaker was a member of the Senate of the United States, and delivered a very able argument against the bill to recharter the United States Bank. Mr. S. said, he would beg leave to read an extract from the speech, which was then before him:

"The power to charter companies, is not specified in the grant, and I contend is of a nature not transferrable by implication. It is one of the most exalted attributes of sovereignty. In the exercise of this power, we have seen an East India Company created, which has carried dismay, desolation, and death throughout one of the largest portions of the world. Under the influence of this power, we have seen arise a South Sea Company and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the Constitution to doubtful inference?" "All corporations enjoy exclusive privileges. That is, the corporators have privileges which no others possess, and if you create fifty corporations, instead of one, you have only fifty privileged bodies, instead of one. I contend that the States have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If Con-

gress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual, if you bestow on this object of your creation the ability to contract may you not also, in contravention of State rights, confer upon slaves, infants, and femme coverts, the ability to contract ?"

Sir, said Mr. S., I claim the benefit of this argument; and if, in 1811, we had no power to grant incorporations, have we such a power at this time? If then, it was unconstitutional, is it not so now? The Constitution cannot shift and change with circumstances and our notions of expediency. What was unconstitutional on yesterday, will be so to-day, to-morrow, and forever, until the Constitution is amended. I confess, sir, I am an infidel to this doctrine of Constitutional expediency. Let us not, said Mr. S., supply, by implication, that which the Convention dared not to express. Let us not, Mr. Chairman, I beg you, ascertain the powers of this Government, by our opinions of necessity and discretion. Let us not act the part of "Cambyses' judges, who, when their approbation was demanded by the Prince, to some illegal measure, said, 'though there was a written law, yet the Persian Kings might follow their own will and pleasure." Let it not be said that, with a written Constitution, we have the right to do what we please, and that the Legislative power of this Government is extending, on every occasion, the sphere of its activity, and drawing all powers into its impetuous vortex.

Mr. S. said, that this Government had gone on for forty years in exercising the power under the post office clause beneficially and satisfactorily to the people, and in the way it was intended by the wise men who formed the Constitution. The great objects (which the Speaker has so much at heart) of distributing civil, commercial, literary, and social intelligence, had been accomplished, without the assertion or assumption of the power which was now claimed. And Mr. S. said, that he saw no reason for abandoning a system which had, both in war and peace, been productive of so much benefit to the people and peace between the two Governments.

I will now proceed, said Mr. S., to the arguments urged on yesterday, by my friend from Delaware, (Mr. McLANE,) for whose judgment and opinions I entertain such high respect, that, when I differ with him upon any subject, I am induced to doubt the correctness of my own opinion, and to examine it with more than ordinary care. He had done so in the present case, and the result of his deliberate and best judgment had produced no change.

The gentleman from Delaware considered the power of making internal improvements, as resulting from that clause in the Constitution which gives to Congress authority to regulate commerce with foreign nations, and among the several States.

Mr. S. said that he would attempt to show that this clause gave no such power.

This power to regulate commerce, the gentleman from Delaware contends, gives, not only the authority to cut canals and make roads, but to do every thing which shall tend to facilitate and advance the commerce of the country; render it effectual, and carry it on. The object of giving this power to the General Government, he argued, was not, as had been supposed, to prevent the imposition of duties, &c., by the State governments, because the Constitution contained a direct prohibition upon the States from laying any imposts or duties on imports and exports. He contended, therefore, that the right of regulating commerce must have been given for the purposes which he supposed, or the power would be dormant and inoperative. This argument, Mr. S. said, was ingenious, but fallacious. It was true that the Constitution did contain the direct prohibition which the gentleman had alluded to, but it did not prove that the main object in giving the power to regulate commerce between the States was not to protect the States from the imposition of duties, &c., by each other.

It would be remarked, Mr. S. said, that the power to regulate commerce was an affirmative grant to the General Government, (among many others,) in the 8th section of the 1st article of the Constitution. This power was not by the express words of the grant exclusive, and therefore the States retain, for some purposes, concurrent power, as to commerce, within their own jurisdictions. To prevent, however, any difficulty as to concurrent powers between the two Governments, on the subject of duties, &c., the prohibition upon the States, as to duties, &c., was, in abundant caution, inserted. This prohibition is found in the 10th section, which contains a general negation of powers as to both Governments.

Mr. S. said, that this was the case with many other powers—take, for instance, that to "coin money," or grant "letters of marque and reprisal." These powers are given to Congress in the 8th section. Yet, the 10th section declares, that "no State shall coin money, or grant letters of marque and reprisal." It was done to show that there was no concurrent power remaining with the States, as to these particular subjects. There was nothing then, Mr. S. said, in the Constitution, which forbids the idea that this power of regulating commerce was mainly intended to prohibit the States from laying duties and fettering the commerce of the Union by improvident restrictions and State regulations. He would endeavor to show to the Committee, before he sat down, that this was the great moving consideration, in giving the power to the General Government to "regulate commerce between the States." In doing this, he said it would be necessary to have recourse to the existing circumstances under which the Constitution was formed, to the evils intended to be guarded against, and the good to be obtained. Before the adoption of the Constitution, Mr. S. said, there was a strong and deep impression of the inconveniences experienced under the Confederation. In relation to our foreign and internal commerce, innumerable obstructions were thrown in the way by the State governments. The want of concert, and clashing and dissimilar views in the States, called loudly for some remedy.

He begged leave to refer the Committee to the first proceedings of the Government, which took place upon this subject of regulating commerce. As early as the year 1778, New Jersey came forward and made a strong representation to Congress, objecting to the 6th and 9th articles of the Confederation, which gave to the States the power of regulating commerce, and urging the reasons and propriety of vesting in Congress the power of regulating the trade of the United States. This proposition was considered and rejected by a vote of two to one. In February, 1781, the subject was renewed, and again the proposition made to invest Congress with the right of regulating commerce, duties, &c., and was again rejected. In the commencement of the year 1783, a committee, consisting of Mr. Madison, Mr. Ellsworth, and Mr. Hamilton, were appointed to prepare an address to the States, pointing out the defects in the Confederation, and urging the propriety of giving to Congress the regular commerce, &c. This was done, and a very able address was presented, and adopted by Congress on the 26th April, 1783, [parts of which Mr. S. read.]

From that period till January, 1785, the subject was repeatedly before Congress, and the State governments, but nothing definite was done. In July, 1785, a committee, consisting of Messrs. Monroe, Spaight, Houston, and King, made a very able report in favor of giving Congress the power of regulating the commerce of the United States, which was considered by Congress, but not adopted, it being deemed most advisable that all propositions for perfecting the articles of Confederation should originate with the States. On the 30th November, 1785, Mr. Madison brought forward in the House of Delegates of Virginia a resolution empowering Congress to regulate trade, &c., with a preamble stating the reasons why it ought to be done, [extracts from which Mr. S. read.] This proposition was adopted; but the vote was afterwards reconsidered, and the report laid on the table. In lieu of these resolutions, one was adopted by Virginia proposing a convention from the different States to consider of measures necessary to enable Congress to regulate trade. New York, New Jersey, Pennsylvania, Delaware, and Virginia, appointed commissioners, and, on the 11th September, 1785, they met at Annapolis, in Maryland. A report upon the subject of remedying the defects of the Confederation was made and adopted. In 1787, Congress recommended a convention to adopt a *Federal* Constitution; and in September, 1787, it was received, and submitted to the States for ratification.

These, Mr. Chairman, said Mr. S., were the proceedings which produced and led to the formation and adoption of the present Constitution of the United States; and I beg gentlemen to examine these various reports, resolutions, and proceedings, and they will be satisfied that the power now claimed to regulate commerce between the States was not intended to go further than to place all the States upon an equality in a free and uninterrupted intercourse. That this was the great and leading object of the immediate framers of the Constitution, and the understanding of the people, Mr. S. said, he would be able to satisfy the Committee by other high authority. He meant to test the doctrines now advanced by those of the enlightened advocates of the Constitution at the immediate time of its adoption. He alluded particularly to the writings and opinions of Mr. Madison and Mr. Hamilton, to whose abilities the establishment of the Constitution was much attributed. In the first volume of the *Federalist*, Mr. Madison says:

> "The defect of power in the existing Confederacy to regulate commerce between the States, has been already pointed out by experience. It may be added, that, without this supplemental provision, the great and essential power of regulating foreign commerce would have been incomplete and ineffectual. A material object of this power was a relief of the States which export and import through other States, from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumer of the former. We may be assured, by past experience, that such a practice would be introduced by future contrivances; and both by that, and a common knowledge of human affairs, that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public peace."

Mr. Hamilton, in the same volume, in pointing out the advantages and objects of this power, is equally strong:

> "The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others; and it is to be feared that the examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord, than injurious impediments to the intercourse between different parts of the Confederacy. The commerce of the German Empire is in continual trammels from the multiplicity of the duties which the several Princes and States exact upon the merchandises passing through their territories, by which the fine streams and navigable rivers, with which Germany is so happily watered, are rendered almost useless. Though the genius of the people of America might never permit this description to be strictly applicable to them, yet we may reasonably expect, from the gradual conflicts of State regulations, that the citizens of each would at length come to be considered and treated by the others in no better light than that of foreigners and aliens."

In the Convention of Virginia, when this clause to "regulate commerce between the States" was under consideration, Mr. Madison said:

> "All agree that the General Government ought to have power for the regulation of commerce. It will be a principal object to guard against smuggling, and such other attacks on the revenue as other nations are subject to. We are now obliged not only to defend against those lawless attempts, but, from the interfering regulations of different States, with little suc-

cess. There are regulations in different States which are unfavorable to the inhabitants of other States, and which militate against the revenue. New York levies money from New Jersey by her imposts. In New Jersey, instead of co-operating with New York, the Legislature favors violations on her regulations. This will not be the case when uniform regulations will be made."

Grayson (who was second only to Patrick Henry, in the bold stand made in Virginia against the Constitution, from fear and jealousy of the powers of the General Government, and especially those derivable by implication) said, "that he was 'willing to give the General Government the 'regulation of trade, as it would be serviceable in 'regulating the trade among the States." This is all that was said in the Convention of Virginia upon the subject of regulating commerce between the States.

Again, Mr. Stevenson said, the Articles of Confederation contained this term "regulate" in relation to other things. Congress had the power of "regulating" the value of coin struck by the respective State governments. The sense in which it was used here was obvious and limited. A similarity in the use of the same phrase in the two charters might, therefore, justly be considered as rendering the meaning less liable to be misconstrued in the latter instrument. If the meaning of this word "regulate," therefore, was used in a limited and restricted sense in the instrument revised and remodelled, it cannot be supposed that, when it is copied into the present Constitution, a different and more enlarged meaning ought to be attached to it. [Here, Mr. S. referred to the report in the Virginia Legislature, of 1798 and 1799, as to the rule of construction.]

Now, Mr. Chairman, said Mr. S., I appeal to every candid and unprejudiced mind, and ask, whether the motives and objects in giving this power to regulate commerce between the States were not those pointed out in the extracts and speeches which I have referred to?

If it was intended, as my friend from Delaware supposes, to give the power (under the term *regulate* commerce) to "facilitate," "carry on," cut canals, make roads, &c., (besides the other powers of jurisdiction, &c., which I have pointed out in the first point of my argument on the subject of roads,) would not some of the friends of the Constitution have urged them in vindication of the power, or its foes have seized on them for the purpose of objection and denunciation? Let any candid man, Mr. S. said, read the proceedings to which I have referred, and the debates in the State conventions, compare the character of the power now claimed, with others which were seized on, as strong grounds of objection, and say whether, if it had then been known or suspected that such a power was given or intended to be granted, the Constitution would have been adopted. Mr. S. said, in his own State, the Constitution was carried by a majority of only ten votes. If the rules of interpretation and construction of the present day had then existed, it would not have received, he believed, ten votes in its favor.

Surely, then, such a contemporaneous exposition of the meaning and objects of the Constitution ought not to be disregarded.

Mr. S. said that this word "regulate" was pushed, by his friend from Delaware, beyond its fair and legitimate meaning. He did not mean to quibble about words, but its meaning ought to be limited. He would illustrate by a familiar case: The Speaker of this House has power to "regulate this Hall." What is the meaning of this rule? That he shall have it kept open for ingress and regress of the members—and made comfortable for the purposes of legislation. But, can he pull down the columns, or change the shape or construction of the room without our consent? It would not be pretended. So, in the case of regulating commerce. This Government may be considered as the friendly third power to decide between the States—not to participate herself, but with the power to regulate the manner in which it shall be carried on. She stands as the umpire, to secure a free interchange upon principles of equality between the States of the South and the North, the East and the West; to insure to each an uninterrupted and unfettered intercourse; to protect each State from fraudulent and unequal prohibitions, whilst carrying on trade through the jurisdictions of one another; to prevent smuggling; regulate the conduct of seamen; establish ports; fix on places of lading and unlading, as might be most convenient for the merchant, on the one hand, and for the effectual collection of the revenue on the other. All these objects, and many others of like character, fall within the power of "regulating commerce." Again: If we have the power, under this word "regulate," to do every thing which shall facilitate commerce—if we cannot only regulate, but "carry it on," why may not the Government build ships at the expense of the nation, for the purpose of transporting commodities to and from one port to another, especially where small ports may be too poor to build vessels to transport their products? Why may we not legislate upon the subjects of bills of exchange and promissory notes? Wholesome laws and regulations, in relation to these objects, might facilitate and aid commerce and trade between the States. Why not, too, incorporate agricultural, manufacturing, and commercial companies? These may be subservient and useful in relation to our commerce, and would tend to facilitate and foster it. But, would such powers be tolerated in this Government, or even claimed by the warmest advocates of this bill? Against this power of the General Government to make internal improvements by means of roads and canals, under any part of the Constitution, Mr. S. said, he would bring the sanction of a high name in the annals of our political history—the authority of a man whose principles had been as uniformly steadfast as republican, and whose virtues were as pure as his genius was splendid—a man who had justly been considered as the "Apostle of Liberty." It was unnecessary to say that he alluded to Thomas Jefferson. In his Message to Congress in 1806, he denies, in terms, the power in this Government to execute a system of internal improvement by roads and canals, and recommends an amendment of the Constitution in this respect.

[Here Mr. S. read extracts from the Message.]

I deny, then, said Mr. S., any power in this Government, under the clause to "regulate commerce among the States," to make roads and canals in any part of this Union.

Mr. S. said he had intended to have gone at large into an examination of a third source from which this power, he knew, was claimed by some of the friends of the bill, (though not by the Speaker and the gentleman from Delaware,) and that was, the "power of unlimited appropriation of money." But he was sensible that he was trespassing too long upon the attention of the Committee, (who had so kindly attended to him throughout the discussion,) and he would, therefore, content himself with a few general remarks.

This doctrine of unlimited appropriation by this Government, of the money of the nation, was first asserted by Mr. Hamilton, whilst Secretary of the Treasury, in the year 1791. In his report of the 5th of December, 1791, he maintained that it belonged to the discretion of the National Legislature to "pronounce upon the objects which concern the general welfare, and to appropriate the 'money of the Union to whatever concerns the 'general interests of learning, of agriculture, of 'manufactures, and of commerce."

If, said Mr. S., you have this power of the purse unlimited, you destroy the effect of any particular enumeration of powers in the Constitution. The effect is precisely the same as if the Constitution authorized every measure. There was not a power which might not have some reference to the common defence and general welfare, nor one of any magnitude, which, in its exercise, did not embrace an appropriation of money. Any government, therefore, which possessed either the power of legislating for the public welfare, or the right of appropriating, at pleasure, the public money, was, in effect, absolute and unlimited.

Sir, said Mr. S., in our general system of political economy, having for its object the national welfare, every thing is related, immediately or remotely, to every other thing, and, consequently, a power over any one thing, if not limited by some obvious and precise affinity, may amount to a power over every other thing—ends and means may be made to change their character, at the will of legislative ingenuity, and what was intended as an *end*, in one case, may become *means* in another.

We know, from experience, how easily this can be done. The British Parliament found no difficulty, when collecting a revenue from the commerce of America, in calling it a tax for the regulation of commerce, or a regulation of trade, with an eye to tax.

It is conceded that this Government may tax without limit; but then comes the enumeration of the cases to which its powers shall extend. You may apply the money to the common defence and general welfare, but it must be in application to some particular measure, pointed out and authorized by the Constitution. Sir, the question ought to be, when money is about to be applied to any specific measure, Is it in the enumerated powers of the Constitution? or is it fairly incident to any of those enumerated? If so, it is right; if not, it is wrong. Therefore, the Constitution wisely provides that no money shall be drawn from the Treasury, but by appropriations of law. It is immaterial, Mr. S. said, whether unlimited powers be exercised under the name of unlimited powers, or under that of unlimited means, in carrying a limited power into execution. A government may be limited in its sovereignty, with respect to its means, as well as to its objects of power, and to give an extent to means, is to make it unlimited. And here, Mr. S. said, he would take occasion, before he concluded, to offer one or two remarks upon the subject of "implied or incidental powers," on which so much had been said. He did not deny, nor did his colleague, (Mr. Barbour,) as some gentlemen had supposed, that this Government did possess some powers of this character. Indeed, without them, he was willing to admit the Government could not get along. But they must be "fairly incident" to some enumerated power, given by the Constitution. It was a clear principle, Mr. S. said, of universal law, of the law of nature, nations, of the common law, and of reason, that the general grant of power carries with it the means which are necessary to the fair execution of the power. But it must be those means, and those only, which are necessary.

Vattel says: "Since a nation is obliged to preserve itself, it has a right to every thing necessary for its preservation; for the law of nature 'gives us a right to every thing, without which 'we could not fulfil an obligation; otherwise it 'would oblige us to do impossibilities, or rather 'contradict itself in prescribing a duty, and prohibiting, at the same time, the only means of 'fulfilling it." So, too, he tells us, that "if a 'man grant to one his house, and to another his 'garden, the only entry into which is through the 'house, the right of going through the house 'passes as an incident; for it would be absurd to 'give a garden to a man, into which he could not 'enter." Again, Vattel says: "The grant of a 'passage for troops includes every thing connected 'with the passage, and, without which, it would 'not be practicable, as exercising military discipline, buying provisions," &c.

There was, Mr. S. said, in these examples, an entire coincidence with the principles of the common law. In all, the incidental power is limited to what is necessary, and not to unlimited discretion and will.

The common law tells us "that, when one grants a thing, he grants also that without which the grant cannot have effect."—[Knivet's case, in Coke.] So (according to Blackstone) a right of way arises on the same principle of necessity, by force of law; as if a man grants me a piece of land in the middle of his field, he tacitly and implicitly gives me a right to come at it. And Coke says that when the law giveth any thing to any one, it implicitly giveth whatever is necessary for taking or enjoying the same—it giveth "what is necessary." It was also a principle of the common law, that the incident is to be taken, according to "a reasonable and easy sense." and not strained to comprehend things remote, "unlikely or unusual."

Now, said Mr. S., I contend that these instances are conclusive, to show a restricted construction of the incidental powers of the Constitution. They show what is necessary is only granted. They exclude the things that are only remotely necessary, or which may tend to the fulfilment of the grant. The rules and doctrines of the common law, Mr. S. said, ought to govern, in expounding the Constitution of the United States. We must, necessarily, resort to the common law, in expounding the Constitution. Many of its powers were given in terms only known to the common law, and its authority has been universally admitted, to a certain extent, in expounding and construing the Constitution. [Here Mr. S. referred to the report and resolutions of Virginia, in '98 and '99, and the essays by Hampden.] The Federalist, too, (in page 266 of 1st volume,) says, "that all powers indispensably necessary are given by the Constitution, though they be not expressly granted."

"Incidental powers are defined to be powers appertaining to, or following others as more worthy or principal"—Coke, Litt., 151—means falling in along the main design.

Can this Government, then, said Mr. S., claim as "incidental," means which are of an indefinite or paramount character? Can the Government convert and change terms as it pleases, and, under the cloak of incidental powers, make the Constitution a nose of wax, and compress or enlarge it as occasion or necessity may seem to require? Mr. S. said he hoped not. It had been said that men govern the world, and money men. Give any government the sword and the purse, and they want nothing else. Give to this Government the power to adopt and execute a great national scheme of internal improvement, and the unlimited right to appropriate money, and it would be worse than folly to suppose that any limit can be imposed on it but by legislative discretion and pleasure. In every point of view in which he had been able to consider the subject, Mr. S. said, his mind had brought him to the conclusion that Congress had no power to pass this bill, and that it ought to be rejected.

One word more, Mr. S. said, before he sat down. The friends of this bill were right in saying that it was an important measure. The precedent now to be set would hereafter be relied on by those who shall come after us. Those who succeed us will venture a little farther. One step will strengthen another. That which is now supported by example, growing old, will become an example itself. Heretofore, the warfare on the part of the National Legislature, against the rights of the States and people, had been carried on, Mr. S. said, by detachment; but now that policy was thought to work too slowly, and was, therefore, to be abandoned. We are now called on to lend our high sanction to a latitude in expounding the Constitution, which is calculated to break down all the landmarks intended by a limitation of its powers, and to substitute, for a definite connexion between means and ends, a legislative discretion, to which no practicable limit could be assigned. We are now to sweep down, at one blow, the independence and power of the State governments, in order to make this a great and splendid Government.

Sir, said Mr. S., these must be the consequences to which the doctrines of this day lead. The genius and eloquence of my friend from Delaware, and the honorable Speaker, may shed a lustre over this subject; but strip it, and all will be found to be gloomy and hopeless mischief. I call upon the Committee to pause, before they sanction this bill, and to weigh well its consequences. I do this in the name of our common country. I do it in behalf of those State Governments to which the people are so much and so deservedly attached, and which are the safeguards and ornaments of our Constitution. Sir, they stand now upon a little spot, surrounded by inundations; and as the waters are rising on every side, and undermining their foundation, let us realize the wise purposes for which this Government was formed, and become the dyke to fence out the flood.

When Mr. S. had concluded—

Mr. STORRS, of New York, said, that it might be, and probably was, true, as had been stated by the gentleman from Virginia who had just resumed his seat, (Mr. STEVENSON,) that the measure now proposed originated in local interests. It was perfectly natural that it should be so. Many great public measures of every Government may be traced to the same origin. As a Representative, however, of the State of New York, Mr. S. said, that, for one, if he had formed any just notions of her true policy, he should hardly be suspected of having brought into this debate any very great prejudice in favor of the measure. That great State has conceived, and from her own unexhausted and scarcely diminished resources, executed, for herself, those great works of internal improvement, which will elevate her to the high rank in the Union to which she has been destined by nature. She has ceased to ask extrinsic aid. If he now regarded only her separate interests or ability, the time has passed by when this measure should receive his support as a question of expediency. It was due, however, from New York, to her own character, that, on a great national measure, essential to the prosperity of the Union, no contracted views of sectional interest should govern the discharge of her duty to the nation. If he thought that any well-founded doubt of the power of Congress over this subject existed, he would have been more inclined to submit to the States, in the form of an amendment, the Constitutional question which it was supposed by some gentlemen to involve. He was now convinced, by many circumstances, and especially by the course of this discussion, that such a proposition would only tend to weaken and paralyze, if not completely to divest the Government of powers which he thought it already fairly possessed. Gentlemen had candidly avowed, that if they believed we had the power, they should oppose its exercise, as impolitic and inexpedient. It was evident that the conflicting interests and local jealousies of the country, would now defeat even a declaratory amendment, and he was satisfied, after what had passed, that it was now essential to the very preservation of the power, that Congress should act on the subject.

Mr. S. said that he did not agree with the gentleman from Virginia, who spoke yesterday, (Mr. Archer,) that any great danger was to be apprehended from the assumption of unauthorized powers by Congress. The tendency of the Government was not in that direction. The responsibility of this House directly to the people, and the frequency of elections, was an effectual security against any lasting or successful usurpations of power. He listened to this caution with less uneasiness when he considered that his colleague, (Mr. Wood,) and the gentleman from Virginia, both of whom had alluded to it, represented the larger States. He rather believed that more danger might hereafter be found in an opposite influence—the jealousy of the large States—the great masses of political power which most sensibly felt the check which Congress held over their influence. It is the disposition, said Mr. S., of human nature, to submit with impatience to control, and the same uneasiness of restraint is felt in all political bodies. The small States are naturally jealous of the larger, and the large States feel the restrictions which the Constitution has imposed on their powers. I am more inclined to think, that experience has already shown, that the General Government will oftener feel the necessity of protecting itself against the large States by a rigid maintenance of its established powers. The Confederacy will not be rent assunder by any explosion here. It will rather break by the weight of its own members.

The idea that Congress possesses the power of executing a system of national improvement, is not so modern as has been supposed. The Committee has been asked why, if it had been originally proposed by the framers of the Constitution that we should have this power, has not the notion been asserted, or alluded to, in all the reports of the debates, or the newspaper discussions of those days? He could state to the Committee, that, in the Convention of New York, it was proposed, by an eminent Constitutional lawyer, to limit the exercise of such a power under one clause in the Constitution. Mr. S. read from the Debates on the Federal Constitution, in the New York Convention, the following extract:

> "To the clause respecting the establishment of post offices, &c., Mr. Jones moved the following amendment: *Resolved,* As the opinion of this committee, that the power of Congress to establish post offices and post roads, is not to be construed to extend to the laying out, making, altering, or repairing, highways in any State, without the consent of the Legislature of such State."

It does not appear whether the Convention had afterwards acted on this proposition; but the intention of the mover was clearly to abridge the power, and give to the States a check upon its exercise. The proposition obviously affirmed its existence in the proposed Government.

He could not promise the Committee any new views of the Constitution, but should confine his remarks, at so late an hour of the day, chiefly to a general view of the principles on which the Government was founded, and by which its powers were to be tested. It had been, in his opinion, altogether erroneous to construe the powers granted in a strict or narrow sense. No sound or safe rule of political interpretation required it. They should be largely, liberally, and beneficially, construed, in furtherance of the great national ends for which the Government was instituted. A contrary rule implied that a reasonable confidence was not to be placed in Congress. When I consider, said Mr. S., how much is expected of us, I should feel much embarrassed if I thought that we were placed here under a responsibility disproportioned to our powers. There is nothing in the nature of our political relation here, which should lead us to distrust ourselves, or induce the nation to fear that we shall transcend our just powers. We are all equally sensible of the great interest we have in preserving entire the powers of the State governments, and the force of their influence is deeply felt here. The time may come —perhaps it has been — when power may be abused here as it has been by other men: but the possibility of its abuse is no argument against its existence.

It has been said that the General Government has been vested with but few municipal powers, and from this idea, it seems to have been considered by many as a Government created for national purposes, in contradistinction to the municipal character of the States. There is no contrast of signification in these terms. It is, in truth, both. It was, indeed, created for great national purposes, but though, in some respects, federative in its structure, is strictly municipal in its whole character and operation. It is precisely in this respect that it is to be distinguished from the old confederation, which was a mere league between independent sovereignties—a general council of the States, and could not properly be called a government at all. The object of the Convention was to abolish altogether the political basis on which it was founded, and to substitute in its place a government operating directly on its citizens. There is no other apt definition of a municipal government, for the term may be most pertinently used in distinction to an alliance. The chief object of the change was not, in his opinion, as his colleague (Mr. Wood) seemed to suppose, to vest in the new government the power of raising revenue. In that particular, indeed, the defect of the old system, in its organization and mode of operation, had been fatally felt, and this defect was a striking illustration of its total inadequacy to any national purposes. It may have been, in fact it was, one of the principal causes of revising and changing the system, but not the chief end that was expected to be attained. The plan of the new government was intended to subvert the whole system, and convert the confederacy into a national government. If this principle is distinctly and steadily kept in view, we may relieve ourselves of many fancied difficulties which otherwise press upon us in seeking for the just rule of ascertaining the extent and character of its implied powers. It is to be treated as a national government—territorial—as having a national judiciary and magistracy, enforcing obedience and extending protection directly to its subjects, creating for its citizens a common country and common political obligations, and as possessing, like all other governments, the means of effecting the ends of its existence. The alarm of usurpation had been often sounded. We have been warned against encroachments on the State governments or the people. It has been said that we claim the purse and sword. It was intended that we should have them. It had been observed in the Federalist, with peculiar truth and applicability, that the old confederation "had neither troops, treasury, or government." The States had raised armies, the States levied money, and the States enforced obedience. These are the very powers which were designed to be transferred to us. Without these, this Government would perish from its own weakness. The power of executing the proposed scheme of national improvement, as the plan contained in the bill now before us has been termed, has been also considered as calculated to excite alarm, as leading to a violation of private right and State jurisdiction. There were many confessed powers which are calculated to give a much clearer conception of the extent of its incidental powers than this, and to excite much more alarm, if the fears of gentlemen were well founded. We are citizens of a national Government. As this Government is municipal, obedience is due, and in the duty of obedience allegiance existed, and from allegiance treason is implied. The Constitution has not created this crime in any expressed terms. It has recognised it as accessory to the sovereignty, and limited its definition and extent to particular specified acts. But it is through successive implications that the Government has acquired the power over life and death in case of treason, and yet no doubts have ever been started on this point. But it is not in the punishment of treason only that such a high power and authority is exercised. Throughout the whole system of national criminal jurisprudence—in robbery of the mail, perjury, the slave trade acts, and the laws for the preservation of neutrality, numberless instances might be given to illustrate the exercise of a like power, founded in implication purely. It is legitimate because, for the purposes of the Constitution, the life and personal liberty of its citizens are placed in subjection to the powers of the national Government, and because, in its operation, it has all the municipal characteristics of the State governments. The powers are as properly inherent, if such a term may be thus used, as the powers of the State governments. Both were created by the people. They had collectively vested certain portions of sovereignty in the national Government, and certain other powers in the States. Those of the national Government were enumerated, but it is not less municipal for that reason. The same argument would prove that the State governments were not municipal. Neither of them possesses the totality of sovereignty. Our powers are limited expressly, and the State governments are limited by the Constitution of the United States, and many of them by their own constitutions. As both governments are in their nature alike, the same rule of construction as to implied or incidental powers is to be applied to the powers clearly vested in either of them.

There is, said Mr. S., one clause in the Constitution, which had much puzzled all those who attempted to lay down the indefinable line between the General and State Governments. He referred to that which declared that Congress had power to make all laws necessary and proper for carrying into execution the powers granted by the Constitution. There was no grant of power contained in this provision, nor was that its purport or intention. It was little else than mere supererogation. Had it been omitted altogether, the right of making such laws must have been perfect in the Government, or its powers could never have been executed at all. The grant of any political power whatever necessarily includes within itself the right of using the means of accomplishing the end and object of the power. It may have been inserted from abundant caution. It is well known that much difference of opinion existed in the Convention, how far, and over what objects the powers of the proposed National Government should be extended. A deep felt jealousy of State rights existed in that body. It is very reasonable to suppose that the subject of constructive or implied powers, incident to the new Government was agitated. The framers of the Constitution, who designed to give efficacy, strength, and stability to it, may have been forewarned by the course of discussion, and perhaps imagined, that at some future day, a new sect might spring up in the nation, whose doctrines might so narrow the means of the Government as to paralyze its operations, circumscribe its powers, and leave it to the mercy of the State governments. Much of the argument which has perplexed this subject has been founded in the construction of this clause, which was, in truth, merely declaratory of the general implied powers indispensable to all government and public bodies, and incidental to their very existence. I admit, said Mr. S. that it is not easy, perhaps it is impossible, to draw the line which separates the powers of the Governments. It is difficult to do this, because the nature of all government is moral, and not mathematical. The subject does not admit of being successfully or very intelligibly treated by general propositions, which are to solve all given problems. It leads directly to confusion of their powers, and involves it in a species of political metaphysics, which misleads and bewilders us. It is impossible to enumerate or define all the means which were intended to be placed in the hands of this Government, under all future exigencies, arising out of the extension of the country, its multiplied relations, and the future growth and expansion of its interests. The public library would not contain the volumes which should define these means. No human foresight could judge of them. It was submitted to the wisdom and discretion of Congress to appropriate them to its aid, as future circumstances and the national prosperity required. These, said Mr. S. are the views of the nature of this Government, which he had been taught from early life, and which all his reflection and limited experience had confirmed. They were not peculiar to him, and contained nothing new—but he had deemed it necessary to consider them more largely than he otherwise should, had not the debate, in some instances, been led away from what were, in his opinion, the first principles of the Government. Considering this Government, then, as municipal, and having the power of adapting its means to the ends of its institution, it might be useful to trace the legitimate exercise of its powers, that its capacities may be more fully developed and understood. It has the power to coin money. Under this faculty, it may purchase (he believed it had done so at Philadelphia) a site for the establishment of a mint. It might, undoubtedly, rent a house for that purpose, and if its capacity to take a leasehold interest was admitted, it might take the freehold or fee of the land. By the power of creating a national judiciary, it might, in the fair exercise of it, purchase and hold sites for courthouses. In the administration of criminal jurisprudence, it may erect penitentiaries—for the collection of revenue, it has become the proprietor of custom-house establishments, which have been erected by the Government. These have all been practical constructions, under these powers, ever since the organization of the Government, and under all Administrations. They had never been denied, and it is too late to question them. It is not useful to inquire or necessary to determine whether the jurisdiction of the United States, over such places, was exclusive for all purposes, so as to exempt them from all municipal jurisdiction of the States, nor did he consider that it proved any thing, if settled either way. He stated these cases as illustrations of the well established and undeniable power of the Government, in its choice of means for the promotion of the great ends of the Government. If we could, constitutionally, purchase sites for all these objects, it must be very difficult to demonstrate, by any sound argument, that we could not purchase a site and erect a post office, or, in other words, establish a post office. And yet the arguments which have been founded on the fanciful definitions of this word "establish," to refute our power of constructing post roads, would equally prove that we cannot erect post offices, as we may courthouses or penitentiaries, and as we have done custom-houses. The power of establishing post offices and post roads is a general grant of power over the transportation of the mail, and includes all the means which are adapted to that end, and all power necessary to effect it.

It is fair and proper in investigating the means of the Government to look to the preamble of the Constitution, not as containing any grant of powers, but as indicating the great ends to be promoted and secured by its creation. It was intended that the exercise of its powers should be efficacious for those ends, and construed in reference to them—to be made subservient in their exercise to the "perfection of the Union," and the "promotion of the general welfare and defence." Certain subjects have for these objects been placed under the sovereignty of Congress. The regulation of foreign commerce, and commerce among the States, is one of these. In the execution of this power, we are bound to look to the promotion of the security, prosperity, and extension of commerce. It is confided to us for that purpose, because this Government is best adapted to promote that great national interest. It is a power, for that end, over the navigable waters of the United States. Thus, in the Chesapeake or Amboy bay, the Hudson or Delaware rivers, we have this power, in preference to the States adjoining these waters. There is no residuum left of a political nature in those States. My colleague (Mr. Wood) considered that the sole powers of Congress over commerce is to lay duties and collect them, and that the whole power was exhausted on the tariff and revenue laws; that the authority to build lighthouses belonged to the collection of revenue, and not to the power of regulating commerce. If this were all so, then the power to regulate commerce is not, in fact, a distinct power, and its enumeration as a specific, primary power, was nugatory and senseless. It might have been altogether omitted, and was already included in the power previously expressed and granted, and was mere tautology. He differed altogether from such a construction of this or any other clause. The Constitution was designed to vest the sovereignty over this subject in Congress as a municipal government. The language of all these grants of power imported that sense, and no other. Thus, Congress has power to regulate the value of coin; to regulate commerce; to make rules for the government of the land and naval forces. All these phrases import that the subject-matters of these grants was to be under the sovereignty of Congress, for the national objects of the Government. Congress have, in the exercise of its power over foreign and domestic commerce, treated them in that sense, and executed them for those ends. In what construction but this was the embargo—the non-intercourse system—all your prohibitory laws, and especially the late navigation acts, founded? Do gentlemen imagine that the nature of these can be tortured into custom-house regulations? The Old Congress never understood that, when it was proposed to give a like power over commerce to that body, it was to be treated as a revenue power merely. The present Executive, in his report on that proposition, on the 15th of February, 1785, considered it, with great justice, as to be exercised for great national purposes. After detailing the evils and inconveniences of the distribution of this power among the States, the report adds:

"But, if they act as a nation, the prospect is more favorable to them. The particular interest of every State will then be brought forward, and receive a Federal support. Happily for them, no measures can be taken to promote the interests of either, which will not equally promote that of the whole. If their commerce is laid under injurious restrictions in foreign parts, by going hand in hand in confidence together, by wise and equitable regulations, they will more easily sustain the inconveniences, or remedy the evil. If they wish to cement the Union by the strongest ties of interest and affection; if they wish to promote its strength and grandeur, founded upon that of each individual State, every consideration of local, as well as of Federal policy, urges them to adopt the recommendation," &c.

These are enlightened views of the system, and a just commentary on the power in question.

The erection of lighthouses, beacons, and buoys, may indirectly promote the security of revenue, but it never appertained strictly to its mere collection. All these exertions of power have been founded on the duty of Government to protect, foster, and promote the prosperity and security of the national interests, which have been confided to the sovereignty of Congress, and made subordinate to its legislative power and supremacy. In the exercise of this power of regulating commerce, the Government exerts a supervisory power over the conduct of its citizens, prescribes the places where, the time when, and how, their commerce shall be carried on, in what articles they may trade, and when all trade shall cease. The erection of the sea-wall on the Eastern coast, or a breakwater at the mouth of the Delaware, recommended by the Executive, is only legitimately done under this construction of our powers. What has been done for this great end of the Government on the margin of the ocean, may, by the same rule of interpretation, be done on the land. Our power is not bounded by the sea-shore. Having the jurisdiction over the waters of the Union, and the sovereignty over trade, for the promotion of the national commercial prosperity, we may as constitutionally appropriate the public funds in improving the natural means and resources of the country for this great and beneficent end. No one would contend that such a system of improvement was exclusively in the power of Congress, nor does it interfere at all with the power or jurisdiction of the States. Though the power of regulating commerce should be admitted to be exclusively in Congress, yet the means of the General and State Governments might be concurrently used for the different ends of their creation. The punishment of forgery, and counterfeiting the public securities, or coin, or robbery of the mail, are concurrently exercised over the same acts and person. He would not say that the States also may not erect lighthouses, beacons, and buoys. There is a vast class of like powers which are intermediate and common to both sovereignties. Mr. S. said, that he should not engage in any minute philological discussion of the words used by those who framed the Constitution in its various grants of power. They were to be understood in a general political sense, and not to be hunted for in dictionaries. Much had been said of the word *establish*, as used in the clause relating to post offices and post roads. Another clause authorized Congress to establish a Supreme Court; another, to constitute tribunals inferior to the Supreme Court. He understood all these in the same sense. The gentleman from Virginia (Mr. STEVENSON) seemed to suppose that the construction which had been given to the word *establish* by those who denied our power on this subject, received much aid from its use in the clause which declared that the ratification of nine States should be sufficient for the "establishment" of the Constitution, and asked us if this ratification did not succeed its actual creation? and if the word establishment would here bear the sense which the friends of this power maintain? Mr. S. said, that it did bear that sense, and no other. The paper or parchment may have existed, but the political creation of the Constitution was only complete when such a ratification was perfected. The words, and sentences, and paragraphs, had been framed, but the soul and vitality had not been infused into it. It had no more life and existence than the bare letters of the alphabet. Much has also been said of the word "regulate," as used in the Constitution. In relation to commerce, which includes a great complexity of interests and relations, the word was, for this reason, subject to much criticism. But to apply it to a subject of more simplicity—suppose, said Mr. S., that the Constitution had conferred on Congress a power to regulate the coin. Had it been necessary, for the sake of uniformity in value, or a common standard, that Congress should have established a Mint and actually coined money, to effect this end, would it hardly admit of denial, that they might have attained that object by such means?

Mr. S. said, that he should not detain the Committee by any argument to prove the power of Congress to construct such roads or canals as were necessary to the defence of the country. He could add nothing, in his opinion, more conclusive than what had been already stated by other gentlemen. The gentleman from Virginia, (Mr. ARCHER,) admits that we have such a power for that end; but, that his measure is, or may be, unconstitutional, because we have not that end in view. Though I cannot consent that the constitutionality of any measure is to be tried by this rule, or brought to any test but its actual provisions, yet it is not admitted, that, if the bill is Constitutional on its face, any collateral advantages may not fairly be taken into consideration. There were many acts of Congress, confessedly Constitutional, which, if judged by a rule so severe, must be condemned. The power to raise revenue by imposts, admits of no debate; and yet the preamble of the first act ever passed under this power of Congress, recites, as one of its chief objects, the protection and encouragement of manufactures. Under the power of making war, and the duty of providing for the public defence, Congress have for years exercised all the powers contained in the bill before us. At Harper's Ferry, they have purchased land; erected buildings for the manufacture of arms; constructed canals for hydraulic works; and done every act which a State might do, for all such purposes; and it would be extraordinary, indeed, if, while the States might construct roads or canals for their separate defence, the same power should be denied to Congress which is expressly charged with the war-making power, and the defence of all the States. If all which we have done at Harper's Ferry, has been done constitutionally, (and it has never yet been debated or questioned,) he hoped that gentlemen would specify and define the point where the operations of the Government must be constitutionally arrested. If we may, by these means, provide the ingredients of defence, can we not, by the same means, facilitate the movements of an army? Or have we merely power to mould the atoms, but not the mass: to perfect the parts, but not the whole? By this course of argument, we are forbidden to reach the end directly, but must approach it circuitously, through some narrow, tortuous path. We may give an incipient motion to the particles of this great system, but leave its operation to accident or fatalism.

He would detain the Committee no longer. It would be an ungracious tax on their time and patience, at so late a period of the debate, to enter into a minute examination of the subject. He had risen only to express his general views of the question, and, being well satisfied that the power was vested in Congress, should support the measure.

The Committee then rose, and the House adjourned.

Friday, January 30.

Mr. **Webster**, from the Committee on the Judiciary, who were instructed "to inquire into the expediency of repealing the 25th section of the act to establish the Judicial Courts of the United States, or so to modify the same, that the writ of error, therein provided for, may be awarded to either party, and without reference to the manner in which the question shall have been decided," reported, that it is not expedient to repeal the said section, nor to modify it in the manner proposed; which report was ordered to lie on the table.

Mr. **Webster**, from the same committee, to which the subject was referred, reported a bill to alter the times of holding the Circuit Court of the United States for the district of South Carolina; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Williams**, of North Carolina, from the Committee of Claims, made a report on the petition of Joseph Smith, of Alexandria, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Williams**, from the same committee, also made a report on the petition of Stephen Brace, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications of the United States, for the year 1824; which was read twice, and committed to a Committee of the whole House to which is committed the bill making appropriations for the Navy of the United States, for the year 1824.

Mr. **Campbell**, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Malachi Burns, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

The resolution from the Senate, proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, was read twice, and committed to the Committee of the whole House on the state of the Union.

Bills from the Senate, of the following titles:

1st. An act confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land;

2d. An act for the relief of the president, directors, and company, of the Merchants' Bank in Newport, Rhode Island;

3d. An act for the relief of Hanson Kelly, were respectively read, and referred—the 1st to the Committee on Private Land Claims; 2d to the Committee of Ways and Means; and the 3d to the Committee of Claims.

Mr. **Tracy** laid the following resolution on the table for consideration on to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform this House what purchases of estate, of any description, by virtue of sales on execution, have been made, on behalf of the United States; also, what estate has been acquired, in any manner, by arrangements with, or assignments from, debtors to the United States, what sums have been paid or allowed on account of said purchases and acquisitions, severally, what charges have accrued, and what income has been derived therefrom; who are the several agents, who now have, or who heretofore have had, the care of said estate, and what compensation has been allowed to them, respectively, for their services.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act for the relief of Hanson Kelly; an act for the relief of the President, Directors, and Company, of the Merchants' Bank in Newport, Rhode Island; and an act for confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land. The Senate have also passed a joint resolution, proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, in which three last-mentioned bills and resolution, they ask the concurrence of this House.

NAVY PEACE ESTABLISHMENT.

A Message was received from the **President of the United States**, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 15th of December last, requesting the President of the United States "to communicate a plan for a Peace Establishment of the Navy of the United States," I herewith transmit a report from the Secretary of the Navy, which contains the plan required.

In presenting this plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it, which the importance of the subject requires, and experience justifies.

If a system of universal and permanent peace could be established; or, if, in war, the belligerent parties would respect the rights of neutral Powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this cannot be presumed; on the contrary, that at least one half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall, in future, be exempt from that calamity, within any period, to which a rational calculation may be extended. And as to the rights of neutral Powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them, whenever they come in conflict with the interest of the Powers at war, while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow-citizens, which was seized and confiscated, or destroyed, by the belligerent parties, in the wars of the French revolution, and of those which followed, before we became a party to the war, is almost incalculable.

The whole movement of our Government, from the establishment of our independence, has been guided by a sacred regard for peace. Situated, as we are, in the new hemisphere; distant from Europe, and unconnected with its affairs; blessed with the happiest Government on earth, and having no objects of ambition to gratify; the United States have steadily cultivated the relations of amity with every Power. And if, in any European wars, a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded, in almost every stage of, and by every party to, those wars. To these encroachments and injuries, our regard for peace was finally forced to yield.

In the war to which at length we became a party, our whole coast, from St. Croix to the Mississippi, was either invaded or menaced with invasion; and in many parts, with a strong, imposing force, both land and naval. In those parts where the population was most dense, the pressure was comparatively light; but there was scarcely a harbor or city, on any of our great inlets, which could be considered secure. New York and Philadelphia were eminently exposed, the then existing works not being sufficient for their protection. The same remark is applicable, in a certain extent, to the cities eastward of the former; and as to the condition of the whole country southward of the latter, the events which marked the war are too recent to require detail. Our armies and navy signalized themselves in every quarter where they had occasion to meet their gallant foe, and the militia voluntarily flew to their aid, with a patriotism, and fought with a bravery, which exalted the reputation of their Government and country, and which did them the highest honor. In whatever direction the enemy chose to move with their squadrons and to land their troops, our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets and sailing up them with a small force, the effect was disastrous, since it never failed to draw out the whole population on each side, and to keep it in the field while the squadron remained there. The expense attending this species of defence, with the exposure of the inhabitants, and the waste of property, may readily be conceived.

The occurrences which preceded the war, and those which attended it, were alike replete with useful instruction as to our future policy. Those which mark the first epoch, demonstrate clearly, that, in the wars of other Powers, we can rely only on force for the protection of our neutral rights. Those of the second demonstrate, with equal certainty, that, in any war in which we may be engaged hereafter, with a strong naval Power, the expense, waste, and other calamities, attending it, considering the vast extent of our maritime frontier, cannot fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war.

Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first, to prevent war, so far as it may be practicable; the second, to diminish its calamities, when it may be inevitable. Hence, the subject of defence becomes intimately connected, in all its parts, in war and in peace, for the land and at sea. No Government will be disposed, in its wars with other Powers, to violate our rights, if it knows we have the means, are prepared, and resolved, to defend them. The motive will also be diminished, if it knows that our defences by land are so well planned and executed, that an invasion of our coast cannot be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816, during the term of my enlightened and virtuous predecessor, under whom the war had been declared, prosecuted, and terminated, digested, and made provision for, the defence of our country, and support of its rights, in peace as well as in war, by acts, which authorized and enjoined the augmentation of our Navy, to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier, and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that by hastening their completion I should render the best service to my country, and give the most effectual support to our free republican system of Government that my humble faculties would admit of, that I have devoted so much of my time and labor to this great system of national policy, since I came into this office, and shall continue to do it, until my retirement from it, at the end of your next session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights. Every Power engaged in war will know the strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay due consideration to that argument. Justice will always have great weight in the Cabinets of Europe; but, in long and destructive wars, exigencies often occur which press so vitally on them, that, unless the argument of force is brought to its aid, it will be disregarded. Our land forces will always perform their duty in the event of war; but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the enemy, and for the protection of our own; and also, by co-operation with the land forces, for the defence of the country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the enemy, and menacing, in turn, its coast, provided the force on each side is nearly equally balanced, it will draw its squadrons from our own; and, in case of invasion by a powerful adversary, by a land and naval force, which is always to be anticipated, and ought to be provided against, our Navy may, by like co-operation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object, in the event of war, is to stop the enemy at the coast. If this is done, our cities, and whole interior, will be secure. For the accomplishment of this object, our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets, in such positions as to command the entrances into them, as may be done in many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam-batteries, are resorted to, in their aid. In the wars between other Powers, into which we may be drawn, in support of our neutral rights, it cannot be doubted that this defence would be adequate to the purpose intended by it; nor can it be doubted that the knowledge that such works existed, would form a strong motive, with any Power, not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior, which are of such vast extent, that it would be utterly impossible for any works, however, extensive, or well posted, to command them. Of this class, the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this bay may be defended against any Power with whom we may be involved in war as a third party, in the defence of our neutral rights. By erecting strong works at the mouth of James river, on both sides, near the Capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains, whenever the enemy's force appeared, placing in the rear some large ships and steam-batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole country bordering on the bay, and rivers emptying into it; as the hazard would be too great for the enemy, however strong his naval force, to ascend the bay, and leave such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam-batteries, behind the works, might rush forth and destroy them. It could only be in the event of an invasion by a great Power, or a combination of several Powers, and by land as well as by naval forces, that those works could be carried; and, even then, they could not fail to retard the movement of the enemy into the country, and to give time for the collection of our regular troops, militia, and volunteers, to that point, and thereby contribute essentially to his ultimate defeat and expulsion from our territory.

Under a strong impression, that a Peace Establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defence, I have thought it proper, in communicating this report, to submit these remarks on the whole subject.

JAMES MONROE.

Washington, *January* 30, 1824.

The Message was referred to the Committee on Naval Affairs.

SURVEYS FOR ROADS AND CANALS.

The House then again resolved into a Committee of the Whole, (Mr. Foot in the Chair,) on the bill to provide surveys for roads and canals.

Mr. Randolph, of Virginia, rose. He began by saying, that he very much feared that the indulgence extended to him by the Committee, a few days since, might induce them to think that he was, thereby, emboldened to throw himself upon their attention more frequently than was seemly or befitting, and that he should, on too many occasions, offer to their consideration the crude conceptions of his very feeble understanding. But, said he, I can, with the utmost sincerity, assure the Committee that they may lay aside all alarm on that subject; for I do not foresee, at this time, any further occasion, at the present session, when it will be necessary for me to trespass on their attention. I shall not again, unless some very unexpected case should arise, arouse in their breasts the feeling which such a trespass is well calculated to inspire.

During a not very short course of public life, Mr. R. said, he did not know that it ever had been his fortune to rise under as much embarrassment, or to address the House with as much repugnance, as he now felt. That repugnance, in part, grew out of the necessity that existed for his taking some notice, in the course of his observations, of the argument, if argument it might be called, of an honorable member of this House from Kentucky. And, although, said Mr. R., I have not the honor to know, personally, or even by name, a large portion of the members of this House, it is not necessary for me to indicate the cause of that repugnance. But this I may venture to promise the Committee, that, in my notice of the argument of that member, I shall show at least as much deference to it as *he* showed to the Message of the President of the United States of America, on returning a bill of a nature analogous to that now before us—I say at least *as much*—I should regret if not *more*. With the argument of the President, however, Mr. R. said, he had nothing to do—he washed his hands of it—and would leave it to the triumph, the clemency, the mercy, of the honorable gentleman of Kentucky—if, indeed, to use his own language, amid the mass of words in which it was enveloped, he had been able to find it. His purpose, in regard to the argument of the gentleman from Kentucky, was to show that it lies in the compass of a nut-shell—that it turns on the meaning of one of the plainest words in the English language. He was happy to be able to agree with that gentleman in at least one particular, to wit: in the estimate the gentleman had formed of his own powers as a grammarian, philologer, and critic—particularly, as those powers had been displayed in the dissertation with which he had favored the Committee, on the interpretation of the word *establish*.

"Congress," says the Constitution, "shall have power to *establish* (ergo, says the gentleman, Congress shall have power to *construct!*) post roads."

One would suppose, said Mr. R., that, if any thing could be considered as settled by precedent in legislation, the meaning of the words of the Constitution must, before this time, have been settled, by the uniform sense in which that power has been exercised, from the commencement of the Government to the present time. What is the fact? Your statute book is loaded with acts for the "establishment" of post roads—and the Postmaster General is besieged with petitions for the "establishment" of post offices. And yet, we are now gravely debating on what the word "establish" shall be held to mean! A curious predicament we are placed in—precisely the reverse of that of Moliere's citizen turned gentleman, who discovered, to his great surprise, that he had been talking "prose" all his life long without knowing it—a common case—it is just so with all prosers, and I hope I may not exemplify it in this instance. But, sir, *we* have been, for five-and-thirty years, establishing post roads, under the delusion that we were exercising a power specially conferred upon us by the Constitution, while we were, according to the suggestion of the gentleman from Kentucky, actually committing *treason*, by refusing, for so long a time, to carry into effect that very article of the Constitution!

To forbear the exercise of a power vested in us for the public good, not merely for our own aggrandizement, is, according to the argument of the gentleman from Kentucky, treachery to the Constitution! I, then, said Mr. R., must have commenced my public life in treason, and in treason am I doomed to end it. One of the first votes that I ever had the honor to give, in this House, was a vote against the *establishment*, if gentlemen please, of a uniform system of bankruptcy—a power as unquestionably given to Congress, by the Constitution, as the power to lay a direct tax. But, sir, my treason did not end there. About two years after the establishment of this uniform system of bankruptcy, I was *particeps criminis*, with almost the unanimous voice of this House, in committing another act of treachery in repealing it; and Mr. Jefferson, the President of the United States, in the commencement of his career, consummated the treason by putting his signature to the act of repeal.

Miserable, indeed, would be the condition of every free people, if, in expounding the charter of their liberties, it were necessary to go back to the Anglo-Saxon, to Junius and Skinner, and other black letter etymologists. Not, sir, that I am very skilful in language: although I have learned from a certain Curate of Brentford, whose name will survive when the whole contemporaneous bench of bishops shall be buried in oblivion, that *words*—the counters of wise men, the money of fools—that it is by the dextrous cutting and shuffling of this pack that is derived one-half of the chicanery, and more than one-half of the profits, of the most lucrative profession in the world—and, sir, by this dextrous exchanging and substituting of words, we shall not be the first nation in the world which has been cajoled, if we are to be cajoled, out of our rights and liberties.

In the course of the observations which the gentleman from Kentucky saw fit to submit to the Committee, were some pathetic ejaculations on the subject of the sufferings of our brethren of the West. Sir, our brethren of the West have suffered, as our brethren throughout the United States, from the same cause, although with them the cause exists in an aggravated degree—from the acts of those to whom they have confided the power of legislation; by a departure—and we have all suffered from it—I hope no gentleman will understand me as wishing to make any invidious comparisons between different quarters of our country—by a departure from the industry, the simplicity, the economy, and the frugality of our ancestors. They have suffered from a greediness of gain, that has grasped at the shadow while it has lost the substance—from habits of indolence, of profusion, of extravagance—from an apery of foreign manners, and of foreign fashions—from a miserable attempt at the shabby genteel, which only serves to make our poverty more conspicuous. The way to remedy this state of suffering is to return to those habits of labor and industry from which we have thus departed.

But, said Mr. R., we have been asked, if, by some convulsion of nature, this Government should be suddenly destroyed, and should pass away, "like the baseless fabric of a vision, and leave not a rack behind," what monument would remain of the benefits derived from it in the West—in other words, what have we done for the West? Sir, let *me* reverse the question. What have we *not* done for the West? Do gentlemen want monuments? Unless the art of printing should be lost, posterity will find them in your statute books, and in the journals of this House. They may find them in Indian treaties for the extinguishment of title to lands—in grants of land, the effects of which begin now to be felt in Ohio, Kentucky, and Tennessee, as they have long been severely felt in Maryland, Carolina, and Virginia; they will find them in laws granting every facility for the nominal payment—and, he might also say, for the spunging, of the debts due this Government, by purchasers of the public lands—in the grants, which cannot be found in the older States, for the establishment of schools, and for other great objects of public concernment, for which nothing has been given to the States of the East. In a word, they would find them in the millions which this nation has disbursed, and is now disbursing, for the acquisition of the navigation of the Mississippi, and for the purchase of Louisiana. If these be nothing, said Mr. R., then indeed we have done nothing for the West. It is true, sir, that these things were done when the names of more than *one* who now figure on this floor, had not been heard of out of their own parish. In a word, without speaking this in any invidious spirit, without the remotest intention of twitting our Western brethren with what we have done for them, I have stated some of the benefits conferred on the West, for the purpose of repressing the spirit of discontent, which, beginning at home, never fails to lay hold upon any external object with which it meets, as an excuse for complaining. I will not add, Mr. Chairman—from Washington to Milledgeville—for *this* part of the country, what has been done?

With these few remarks, continued Mr. R., permit me now to recall the attention of the Committee to the original design of this Government. It grew out of the necessity, indispensable and unavoidable, in the circumstances of this country, of some general power, capable of regulating foreign commerce. Sir, I am old enough to remember the origin of this Government; and, though I was too young to participate in the transactions of that day, I have a perfect recollection of what was public sentiment on the subject. And I repeat, without fear of contradiction, that the proximate, as well as the remote cause of the existence of the Federal Government, was, the regulation of foreign commerce. Not to particularize all the difficulties which grew out of the conflicting laws of the States, Mr. R. referred to but one, arising from Virginia taxing an article which Maryland then made duty-free—and to that very policy, said he, may be attributed, in a great degree, the rapid growth and prosperity of the town of Baltimore. If the old Congress had possessed the power of laying a duty of ten per cent. *ad valorem* on imports, this Constitution would never have been called into existence.

But, we are told that, along with the regulation of foreign commerce, the States have yielded to the General Government, in as broad terms, the regulation of domestic commerce—I mean, said Mr. R., the commerce among the several States, and that the same power is possessed by Congress over the one as over the other. It is rather unfortunate for this argument, that, if it applies to the extent to which the power to regulate foreign commerce has been carried by Congress, they may prohibit altogether this domestic commerce, as they have heretofore, under the other power, prohibited foreign commerce.

But why put extreme cases? This Government cannot go on one day without a mutual understanding and deference between the State and General Governments. This Government is the breath of the nostrils of the States. Gentlemen may say what they please of the preamble to the Constitution; but this Constitution is not the work of the amalgamated population of the then existing confederacy, but the offspring of the States; and however high we may carry our heads, and strut and fret our hour, "dressed in a little brief authority," it is in the power of the States to extinguish this Government at a blow. They have only to refuse to send members to the other branch of the Legislature, or to appoint Electors of President and Vice President, and the thing is done. I hope gentlemen will not understand me as seeking for reflections of this kind—but, like Falstaff's rebellion—I mean Worcester's rebellion, they lay in my way, and I found them.

But, we are asked, what if little Delaware should erect her back, or New Jersey, and should undertake to stop the transportation of the United States mail? It would be something very like the attempt virtually made by another State during the late war, or an attempt to stop the transit of the United States troops through the territory of a State. And this brings me to another branch of the subject, on which, in my discursive way, I mean to touch. I recollect once to have heard, from a gentleman of Kentucky, the power to recharter the old Bank of the United States called a "vagrant power," seeking through the different clauses of the Constitution where to fix itself; but, like a man in Kentucky seeking for his land, found the ground shingled over with warrants! Now, said Mr. R., *this* vagrant power, (of making roads and canals,) after being whipped from parish to parish, is at last seeking a settlement under the war-making power. And under this power to make war, sir, what may we not do? Quarter troops upon you; burn your house, sir, or mine; burn your own ships and your navy yards, that the enemy may not have the pleasure of doing it. But would any man contend that, in time of peace, all the incidents to the war-making power take effect? I have always understood, said Mr. R., that *inter arma silent leges*—and a man might as well bring an action against the hero of New Orleans—yes, sir, the hero of New Orleans, if I may call him so—by an action of trespass *quare clausum fregit*, when he marched down to the beach, and gave the enemy a foretaste of what he gave them thereafter—a man might as well do that, as, in time of peace, sustain the power of the same hero—not, sir, that I impute the assumption of it to him—of doing all the things which he might rightfully do in a time of war. When, Mr. R. said, he considered this war-making power, and the money-raising power, and suffered himself to reflect on the length to which they go, he felt ready to acknowledge that, in yielding these, the States have yielded every thing. The last words of Patrick Henry on this subject, though uttered five-and-twenty years ago, were now ringing in his ears. If gentlemen will come fairly out, said Mr. R., and tell us, you have given us the power of the purse and of the sword, and these two enable us to take whatever else we may want, we shall understand them. Thank God, however, *that* has not *yet* become the construction of the Constitution.

I am sorry to say,—because I should be the last man in the world to disturb the repose of a venerable man, to whom I wish a quiet end of his honorable life—that all the difficulties under which we have labored and now labor on this subject have grown out of a fatal admission by one of the late Presidents of the United States—an admission which runs counter to the tenor of his whole political life, and is expressly contradicted by one of the most luminous and able State papers that ever was written—an admission which gave a sanction to the principle that this Government had the power to charter the present colossal Bank of the United States. Sir, said Mr. R., that act, and one other which I will not name, bring forcibly home to my mind a train of melancholy reflections on the miserable state of our mortal being:

"In life's last scenes, what prodigies surprise!
Fears of the brave, and follies of the wise.
From Marlborough's eyes the streams of dotage flow,
And Swift expires a driv'ler and a show."

Such is the state of the case, sir. It is miserable to think of it—and we have nothing left to us but to weep over it.

We have been told, sir, by my friend from New Jersey, over the way, that the framers of the Constitution foresaw the raising up of some new sects, which were to construe the powers of the Government differently from their intention; and, therefore, the clause granting a general power to make all laws that might be necessary and proper to carry the granted powers into effect, was inserted in that Constitution. Yes, said Mr. R., such a sect did arise some twenty odd years ago—and, unfortunately, I had the honor to be a member of that church. From the commencement of the Government to this day, differences have arisen between the two great parties in this nation—one consisting of the disciples of Mr. Hamilton, the Secretary of the Treasury, and another party who believed that, in their construction of the Constitution, those to whom they opposed themselves exceeded the just limit of its legitimate authority—and Mr. R. prayed gentlemen to take into their most serious consideration the fact that, on this very question of construction, this sect, which the framers of the Constitution foresaw might arise, did arise in their might, and put down the construction of the Constitution according to the Hamiltonian version. But did we at that day dream, said Mr. R., that a new sect would arise after them, which would so far transcend Alexander Hamilton and his disciples, as they out-went Thomas Jefferson, James Madison, and John Taylor, of Caroline? This is the deplorable fact: such is now the actual state of things in this land; and it is not a subject so much of demonstration as it is self-evident—it speaks to the senses, so that every one may understand it. On the occasion of that great strife, Mr. Jefferson, then Vice President of the United States, drew, and sent to Kentucky, to be moved by the eminent and worthy man who was afterwards his Attorney General, those celebrated resolutions, generally called *the Kentucky Resolutions.* These were followed by another set of resolutions, which were called *John Taylor's Resolutions*, but which we now, by the public declaration of Mr. Taylor, under his own hand, know were drawn up by Mr. Madison. These gave rise to that very able and masterly Report of the Massachusetts General Court, sustaining the constitutionality of the Alien and Sedition laws. Yes, sir, it was a very able report—and here permit me to say I have not heard a shadow of an argument on this floor—and I do not expect to hear it, because it is unsusceptible of it—as forcible, as strong, in support of the power now claimed for this House, as is the argument of the Legislature of Massachusetts in support of the Alien and Sedition laws—and I say that if you can *enact* this bill, you can *re-enact* the Alien and Sedition laws—not, sir, that I am at all afraid of their re-enactment now—they who burnt their fingers with the Sedition law have learnt lessons from experience, and so have those who have had their example before their eyes. For, we learn from high authority here, that, notwithstanding the representations of "venal and hireling presses" to the contrary, the country is in great distress—by which we are to understand that means have been taken to use the press here, like the bayonet beyond the water, for the support of *legitimate* authority. No, sir, I am not afraid of the enactment of the Sedition law; there is now no occasion to defend ourselves, by such a measure, against the idle bark of every unnecessary cur in the Republic. But, Mr. R. said, he recollected when this vagrant power was first detected by this new sect, like an insect feeling for the soft and pulpy parts of the body politic, &c.

I remember to have heard it said, elsewhere, said Mr. R., that "when gentlemen talked of precedent, they forgot they were not in Westminster Hall." Whatever trespass, said he, I may be guilty of upon the attention of the Committee, one thing I will promise them, and will faithfully perform my promise—I will dole out to them no political metaphysics. Sir, I unlearned metaphysics almost as early as Fontenelle, and he tells us, I think, it was at nine years old. I shall say nothing about that word *municipal.* I am almost as sick of it as honest Jack Falstaff was of "security"—it has been like ratsbane in my mouth, ever since the late Ruler of France took shelter under that word, to pocket our money, and incarcerate our persons, with the most profound respect for our *neutral* rights. I have done with the word *municipal* ever since that day. Let us come to the plain, common-sense construction of the Constitution. Sir, we live under a government of a peculiar structure, to which the doctrines of the European writers on civil polity do not apply—and when gentlemen get up and quote Vattel, as applicable to the powers of the Congress of the United States, I should as soon have expected them to quote Aristotle or the Koran. Our Government is not like the consolidated monarchies of the Old World—it is a solar system, an *imperium in imperio:* and, when the question is about the one or the other, what belongs to the *imperium* and what to the *imperio*, we gain nothing by referring to Vattel. He treats of an integral government, a compact structure—*totus teres atque rotundus*. But ours is a system composed of two distinct governments—the one general in its nature, the other internal. Now, sir, a government may be admirable for external, and yet execrable for internal purposes. And when the question of power in the Government arises, this is the problem which every honest man has to work. The powers of Government are divided, in our system, between the General and State Governments, except some powers, which the people have very wisely retained to themselves. With these exceptions, all the power its divided between the two Governments. The given power will not lie, unless, as in the case of direct taxes, the power is specifically given—and even then the States have a concurrent power. The question for every honest man to ask himself, is, to which of these two divisions of Government does the power in contest belong. And, said Mr. R., while I am on the subject of assumed power, permit me to say that, if my strength allows me, I shall be compelled to state some acts of assumption and usurpation on the part of the States, as well as on the part of the General Government; not that I at all agree with the gentleman from N. York, (Mr. Storrs,) that the danger of this Government is from the State governments; nor can I imitate, while I greatly admire the generosity with which that gentleman, a Representative from the largest State in the Union, would shear her of her strength—to do what? To preserve this Union? No. To reduce her to a level, by possibility, with the smallest State in the Union. And this, sir, reminds me of one other of the nothings we have done for the Western country. We have, among other nothings, given them, in case of an election of President coming into this House, nine votes out of twenty-four. We have erected them, as soon as their numbers would render it possible, under the law, into independent States, and thus given them, in the other branch of the Legislature, a voice to weigh down the voice, or counterpoise it, of New York or Pennsylvania. These are among the nothings we have done for them. This, then, is the problem we have to settle: does this power of internal improvement belong to the General or to the State Governments, or is it a concurrent power? Gentlemen say we have power, by the Constitution, to establish post roads, and, having established post roads, we should be much obliged to you to allow us, therefore, the power to construct the roads and canals into the bargain. If I had the physical strength, said Mr. R., I could easily demonstrate to the Committee that, supposing the power to exist on our part—of all the powers that can be exercised by this House, there is no power that would be more susceptible of abuse than this very power. Figure to yourself, said he, a committee of this House determining on some road, and giving out the contracts to the members of both Houses of Congress, or to their friends, &c. Sir, if I had strength I could show to this Committee that the Asiatic plunder of Leadenhall street has not been more corrupting to the British Government than the exercise of such a power as this would prove to us.

The gentleman from New York (Mr. Storrs,) says, that Congress possesses the power to coin money, and asks if that does not involve a jurisdiction over the whole subject of money? It does, sir; and yet I would, by-the-by, correct one mistake into which that gentleman alone has not fallen. In what does that power consist? In designating the metal, determining the rate of alloy, fixing the weight, directing the impress, and declaring the value of the coin—not in the mechanical act of coining. And if all our coin were struck by Watt & Bolton, at Birmingham, the coinage would be as much an act of sovereignty, if it had due weight. and the proper assay, &c., as if it were coined at the Mint in Philadelphia. But, sir, under this power what have we done? We have erected a bank, which will not redeem the notes of its branches, and the States are deluged with spurious bank paper, while, with this base currency throughout the land, debtors are bound to pay in specie. Sir, the bank note table in New York, in which they do not deign to name the banks of Kentucky, is a politico-economical curiosity; and, instead of one currency of uniform value, we have a thousand different kinds of base money, by ringing the changes upon which, we hear the profits which brokers, and shavers, and stock jobbers levy on the honest industry of the nation. I said, continued Mr. R., that this Government, if put to the test—a test it is by no means calculated to endure—as a Government for the management of the internal concerns of this country, is one of the worst that can be conceived—which is determined by the fact, that it is a Government not having a party feeling and common interest with the governed. I know, said he, that we are told—and it is the first time that the doctrine has been openly avowed—that, upon the responsibility of this House to the people, by means of the elective franchise, depends all the security of the people of the United States against the abuse of the powers of this Government. But, sir, how shall a man from Mackinaw, or the Yellow Stone river, respond to the sentiments of the people who live in New Hampshire? It is as great a mockery—a greater mockery than it was to talk to these colonies about their virtual representation in the British Parliament. I have no hesitation in saying that the liberties of the Colonies were safer in the custody of the British Parliament than they will be in any portion of this country, if all the powers of the States, as well as those of the General Government, are devolved on this House; and in this opinion I am borne out, and more than borne out, by the authority of Patrick Henry himself.

But the gentleman from New York, and some others who have spoken on this occasion, say, What! shall we be startled by a shadow? Shall we recoil from taking a power clearly within—(what?)—our reach? Shall we not clutch the sceptre—the air-drawn sceptre, that invites our hand, because of the fears and alarms of the gentleman from Virginia? Sir, if I cannot give reason to the Committee, they shall at least have authority. Thomas Jefferson, then in the vigor of his intellect, was one of the persons who denied the existence of such powers. James Madison was another. He, in that masterly and unrivalled report in the Legislature of Virginia, which is worthy to be the text-book of every American statesman, has settled this question. For me to attempt to add any thing to the arguments of that paper, would be to attempt to gild refined gold—to paint the lily—to throw a perfume on the violet—to smooth the ice, or add another hue unto the rainbow—in every aspect of it, wasteful and ridiculous excess. Neither will I hold up my farthing rushlight to the blaze of that meridian sun. But, sir, I cannot but deplore, and to my dying day I shall deplore—my heart aches when I think of it—that the hand which erected that monument of political wisdom, should have signed the act to incorporate the present Bank of the United States.

It was not a matter of conjecture, merely, Mr. R. said, but of fact—of notoriety, that there does exist on this subject an honest difference of opinion among enlightened men; that not one or two, but many States in the Union see with great concern and alarm the encroachments of the General Government on their authority. They feel that they have given up the power of the purse and the sword, and enabled men, with the purse in one hand and the sword in the other, to rifle them of all that they hold dear. Among the reveries of that strange and most extraordinary man, the late ruler of France, while he was dying, inch by inch, among the rats of St. Helena, he expressed the thought, that, if instead of Elba, he had chosen Corsica as the place of his retreat, when he was driven by the Allies out of France, he would have been enabled, from the bravery and devotion of the people, and the mountainous passes of the country, &c., to hold it against the combined Powers of Europe—as if a man who could not keep France, could keep any thing else. And we too, sir, now begin to perceive what we have surrendered—that, having given up the power of the purse and the sword, every thing else is at the mercy and forbearance of the General Government. We did believe there were some parchment barriers—no! what is worth all the parchment barriers in the world—that there was, in the powers of the States, some counterpoise to the power of this body; but, if this bill passes, we can believe so no longer.

I have mentioned Bonaparte—and, perhaps history cannot afford another example of such a rise, and of such a fall. We see him giving law in the Kremlin, in the ancient palace of the Muscovite Czars—in three years we see him in the island of St Helena, enduring—I will not say what. With that example of humiliation before me, it costs me nothing to endure the triumph of the gentleman from Pennsylvania, (Mr. HEMPHILL,) who tells us that a new era is approaching—(not the era of good feeling, I am afraid, for that has come already,)—in which all Presidential squeamishness is to be at an end—when this Government shall enter on a new course, and we are to take a new latitude and departure. With this example before me, I must recall the recollection of three-and-twenty years ago, when that gentleman, who is the father of the present bill, was upholding, or, rather, endeavoring to uphold, the wreck and remnant of that system of policy which its triumphant adversaries had cloven down. I remember his exertions in regard to what has been called the Midnight Judiciary. Sir, at that time, I stood, in relation to this House, and to that gentleman, in a station very different from that which I now sustain, or ever expect—or, if I know myself, would ever wish, to occupy again. If that era arrives, to which the hopes, and wishes of the gentleman seem to aspire, it is a pity we have not some Dryden to celebrate its advent. Another *Astræa redux* will be hailed—and we shall once more listen to the strain,

"Jam redit et Virgo, redeunt Saturnia Regna."

Sir, if this bill passes, we shall not only have a midnight, but a day-light, and star-light, judiciary bill. You will have what one of—I was going to say, (I must not call him so, but I will—I know not what else to call him,) the most violent Federalist I ever heard, once said, we ought to have —federal justices of the peace. For, you are told, that all the power that is claimed for Congress over roads, is a conservative power—that if robberies, (except of the mail,) or murders, are committed, or contracts are made on a road belonging to the United States, they will fall under the cognizance, and jurisdiction, of the State government. Sir, I am no lawyer; but this is the first time that I ever heard, that the effects of contracts was limited to the place of signature. I always have heard that they were, in their nature, transitive. But, sir, suppose the power to be conservative only —and suppose some breach is made in the road, or any other injury done to it, are you not to punish that injury? And, if any thing of a trespass is committed on this road, are you to haul a man all the way from the extreme verge of the largest States in the Union—for he must be tried in the Federal court, and not in a court of the State—to answer for having thrown a pebble in the road? and then, if aggrieved by the decision of the court, is he to be left to the remedy of coming here, to the Supreme Court, for his appeal?

But, sir, it is said we have a right to establish post offices and post roads, and we have a right to regulate commerce between the several States; and it is argued that "to regulate" commerce, is to prescribe the way in which it shall be carried on—which gives, by a *liberal* construction, the power to *construct* the way, that is, the roads and canals on which it is to be carried! Sir, since the days of that unfortunate man, of the German coast, whose name was originally Fyerstein, Anglicised to Firestone, but got, by translation, from that to Flint, from Flint to Pierre-a-Fusil, and from Pierre-a-Fusil to Peter Gun—never was greater violence done to English language, than by the construction, that, under the power to prescribe the way in which commerce shall be carried on, we have the right to construct the way on which it is to be carried. Are gentlemen aware of the colossal power they are giving to the General Government? Sir, I am afraid, that that ingenious gentleman, Mr. McAdam, will have to give up his title to the distinction of the *Colossus of Roads*, and surrender it to some gentlemen of this Committee, if they succeed in their efforts on this occasion. If, indeed, we have the power which is contended for by gentlemen under that clause of the Constitution which relates to the regulation of commerce among the several States, we may, under the same power, *prohibit*, altogether, the commerce between the States, or any portion of the States—or we may declare that it shall be carried on only in a particular way, by a particular road, or through a particular canal; or we may say to the people of a particular district, you shall only carry your produce to market through *our* canals, or over our roads, and then, by tolls, imposed upon them, we may acquire power to extend the same blessings and privileges to other districts of the country. Nay, we may go further. We may take it into our heads—Have we not the power to provide and maintain a navy? What is more necessary to a navy than seamen? And the great nursery of our seamen is (besides fisheries) the coasting trade—we may take it into our heads, that those monstrous lumbering wagons that now traverse the country between Philadelphia and Pittsburg, stand in the way of the raising of seamen, and may declare that no communication shall be held between these points but coastwise; we may specify some particular article in which alone trade shall be carried on. And, sir, if, contrary to all expectation, the ascendency of Virginia, in the General Government, should again be established, it may be declared that coal shall be carried in no other way than coastwise, &c. Sir, there is no end to the purposes that may be effected under such constructions of power. I here beg of gentlemen to recollect—I particularly call upon the very few members of this House, who happen to be interested in the navigation of the river on which I reside, (the Roanoke,) to say, whether, after we have, with many efforts and a great expense, with the loss of at least half of our capital, effected the navigation of that river, it would be competent to this Government to seize upon our feeders, to assume jurisdiction of Lake Drummond, &c., and, for the accomplishment of some wild scheme—not more preposterous and ridiculous than some others I could name—drain the waters of that lake into the Atlantic ocean, and abolish our canal. If we should chance to encounter the displeasure of the Government, under these constructions of power, they may say to every wagoner in North Carolina, you shall not carry on any commerce across the Virginia line, in wagons or carts, because I have some other object to answer, by a suppression of that trade. Are gentlemen prepared for this?

There is one other power, said Mr. R., which may be exercised, in case the power now contended for be conceded, to which I ask the attention of every gentleman who happens to stand in the same unfortunate predicament with myself—of every man who has the misfortune to be, and to have been born, a slaveholder. If Congress possesses the power to do what is proposed by this bill, they may not only enact a sedition law—for there is precedent—but they may emancipate every slave in the United States—and with stronger color of reason than they can exercise the power now contended for. And where will they find the power? They may follow the example of the gentlemen who have preceded me, and hook the power upon the first loop they find in the Constitution; they might take the preamble—perhaps the war making power—or they might take a greater sweep, and say, with some gentlemen, that it is not to be found in this or that of the granted powers, but results from all of them—which is not only a dangerous, but *the most* dangerous doctrine. Was it not demonstrable, Mr. R. asked, that slave labor is the dearest in the world—and that the existence of a large body of slaves is a source of danger? Suppose we are at war with a foreign Power, and freedom should be offered them by Congress as an inducement to them to take a part in it—or suppose the country not at war, at every turn of this federal machine, at every successive census, that interest will find itself governed by another and increasing power, which is bound to it neither by any common tie of interest or feeling. And, if ever the time shall arrive, as assuredly it has arrived elsewhere, and, in all probability, may arrive here, that a coalition of knavery and fanaticism shall, for any purpose, be got up on this floor, I ask gentlemen, who stand in the same predicament as I do, to look well to what they are now doing—to the colossal power with which they are now arming this Government. The power to do what I allude to is, I aver, more honestly inferrible from the war-making power, than the power we are now about to exercise. Let them look forward to the time when such a question shall arise, and tremble with me at the thought that that question is to be decided by a majority of the votes of this House, of whom not one possesses the slightest tie of common intererest or of common feeling with us.

When, on a late occasion, it was proposed to this House to give a grant of some ninety pounds, lawful money, to rock the cradle of declining age, to smooth the pillow of an ancient gentlewoman, the mother of a race of heroes—a race to whom some of us seem to have a constitutional and instinctive antipathy—we have been met with a cry of danger to the Constitution! of danger to the liberties of the country! But, when it is proposed to draw the last shilling from the pockets of honest industry, to be laid out, as from the very nature of the thing it must be laid out in jobs, and contracts, and corruption—and if you will trace the execution of all your projects—the Rip Rap, or others, you will find the process is the same in all—you are told that in making roads and digging canals, and spending millions upon them, you are promoting the honor, and interest, and grandeur of the country! And this, Mr. Chairman, for fear that the States, which are all clamorous, burdening your table with daily petitions, to get you to extend your post routes through all the States and Territories, should undertake to stop the passage of the United States mail! Why, sir, if we suppose a case like this, we may suppose a universal madness seizing on the whole population of the country, and argue from that supposition.

And this brings me, said Mr. R., to notice an admission, as it has been called, of my worthy colleague, of the power of altering post roads, after they are established. I cannot understand this as gentlemen appear to do, and I know that my colleague is not correctly so understood. Sir, in the State, one of whose representatives I am, I don't know a single post route that has not been changed from what it was when established as a post road by the statute. Why, sir, you will not, at this moment, on the mail route from the capital of the United States to the capital of Virginia, travel for the first twenty miles on a single inch of the road as it existed when that mail route was first established. What follows from the doctrine of gentlemen on this subject? Why, that if Virginia should do what she ought to do—make a good road between the two points referred to—the mail is yet to continue to go, as now, plunging through the worse than Serbonian bogs, between the Neabsco and Chapawamsic, and we shall do it, because it is treason—not by the Constitution of the United States, to be sure, but about as pretty a case of constructive treason, as a latitudinarian judge could desire to see on a Summer's day, to alter a post road. From the doctrines now advanced on this floor, it follows, that every mile that a post route is changed, whether for the better or worse, the powers of Government are impugned; and (*nullum tempus occurrit regi*) we do not know what a mass of criminality may not have been incurred, and very innocently incurred, because never, till now, had our people a preceptor learned enough to instruct them in the true meaning of the word "establish."

After a short pause, Mr. R. said, it was to him a matter of painful reflection how utterly inadequate he felt himself to say *what* he intended to have said, and still more *as* he intended to say it. But, before I sit down, said Mr. R., permit me to put it to the candor even of those members of this House who differ from me respecting the constitutionality of the power now claimed, to say what there is in the state of this nation, at this particular juncture, that calls for the immediate exercise of this power, supposing it to be possessed.

The honorable gentleman from Delaware tells us we have power to purchase stock, and thus promote objects of internal improvement, where they are commenced by the States or by individual enterprise. Sir, if we have money to spare, let me advise the gentleman, who is chairman of the Committee of Ways and Means, to begin with buying our own stock. We can do nothing better with our money than buy our own bonds. I have known many speculators leave their own debts unpaid to purchase the property of others; but I never knew one of them to come to good. Let us discharge our war debt, and no longer put off the payment of it by shuffling evasions, under pretence of a change of stock. Individuals, not inferior to any in the country, and some of the great States, too, also entertain serious doubts of the power of Congress to pass this bill. I should wish, in the course of future discussion, that some gentleman would show the urgency of the occasion to make the plunge at this moment. Are there not already causes enough of jealousy and discord existing among us? Is this the most auspicious time to set up a new construction of the Constitution? Is this the most auspicious time for the exercise of the assumption of a power which the gentleman from New York, with his usual perspicacity, so clearly sees we possess, but which Thomas Jefferson, and James Madison, and others of at least equal authority with the gentleman from New York, as clearly see we do not possess? Is this a time to increase those jealousies between different quarters of the country already sufficiently apparent?

I intended, said Mr. R., to have managed this subject in a different manner; but the exhaustion of both bodily and mental powers calls on me to do what I ought to have done long ago—to draw these remarks to a close. But it is too late in the day for me to speak for reputation. Whatever is to be the fate of this bill—whether this splendid project shall or shall not go into operation now, or be reserved for the new reign, the approach of which is hailed with so much pleasure, my place must be either in the obscurity of private life, or in the thankless and profitless employment of attempting to uphold the rights of the States, and of the people, so long as I can stand—more especially the rights of my native State, the land of my sires, which, although I be among the least worthy or least favored of her sons, and although she may allot to me a step-son's portion—I will uphold, so long as I live.

Let us, then, I repeat, Mr. Chairman, pay our debts, personal and public; let us leave the profits of labor in the pockets of the people, to rid them of that private embarrassment under which they so extensively suffer, and apply every shilling of the revenue, not indispensable to the exigencies of the Government, to the faithful discharge of the public debt, before we engage in any new schemes of lavish expenditure. Sir, we have already paid more interest on the three per cent. stock, than the amount of the whole principal of that debt at nominal par.

Should this bill pass, one more measure only requires to be consummated; and then we, who belong to that unfortunate portion of this Confederacy which is south of Mason and Dixon's line, and east of the Alleghany mountains, have to make up our mind to perish like so many mice in a receiver of mephitic gas, under the experiments of a set of new political chemists; or we must resort to the measures which we first opposed to British aggressions and usurpations—to maintain that independence which the valor of our fathers acquired, but which is every day sliding from under our feet. I beseech all those gentlemen who come from that portion of the Union to take into serious consideration, whether they are not, by the passage of this bill, precipitately, at least without urgent occasion, now arming the General Government with powers hitherto unknown—under which we shall become, what the miserable proprietors of Jamaica and Barbadoes are to their English mortgagees, mere stewards—sentinels—managers of slave labor—we ourselves retaining, on a footing with the slave of the West Indies, just enough of the product of our estates to support life, while all the profits go with the course of the Gulf stream. Sir, this is a state of things that cannot last. If it shall continue with accumulated pressure, we must oppose to it associations, and every other means short of actual insurrection. We must begin to construe the Constitution like those who treat it as a bill of indictment, in which they are anxious to pick a flaw—we shall keep on the windward side of treason—but we must combine to resist, and that effectually, these encroachments, or the little upon which we now barely subsist will be taken from us. With these observations, Mr. R. abandoned the question to its fate.

When Mr. Randolph had concluded—

Mr. Clay rose in reply to Mr. Randolph. It had certainly, he said, been far from his intention again to trouble the Committee on the present subject. He felt restrained, not only by a consideration of the time that had already been spent upon it, but also by the state of his own health; but allusions so frequent, and of such a marked character, had been made to him, (especially by the honorable gentleman who had just taken his seat,) that he trusted it would not be deemed a trespass on the Committee if he should briefly notice some of them.

The gentleman from Virginia, (Mr. Archer,) for the general character of whose discussion he felt the highest respect, and whose intelligent mind never led him to say what was not, at least, worthy of serious consideration, had observed, in the course of his speech, (which I regret that I heard only in part,) that he was quite sure I would concede that, in ascertaining what were lawful means to be taken for carrying into effect either of the granted powers in the Constitution, a congruity would be required in such means with the power to be executed. To this I then nodded assent; and I now repeat the expression of my concurrence. But I submit it to the Committee to say, whether there is any discrepancy between roads and canals as a means, and the transportation of troops and munitions of war as an end; between good roads as a means, and the transportation of the mail as an end; between roads and canals as a means, and the regulating and facilitating of internal commerce as an end.

Another gentleman from Virginia, (Mr. Stevenson,) whose speech I had the pleasure of hearing throughout, alluded to a speech of mine, delivered on a former occasion, and which contained, as he contended, sentiments in opposition to those expressed by me in the present debate. Although I think it somewhat unfair to travel out of the proceedings of this House in search of arguments advanced on a different occasion and in another body, yet, whatever others may say, I, for one, have never felt the slightest difficulty in owning any and every part of the course I have pursued, and in avowing the motives by which I have been actuated. It is true that I was opposed to the renewal of the charter of the old Bank of the United States. My opposition to it arose from various motives, involving not merely the Constitutional question, but the expediency of the measure. I admit that I did not, at that time, believe that Congress could, constitutionally, grant the incorporation. But, on another occasion, after much experience had, in a state of war and in the most perilous times, of the urgent necessity of such an institution, I did, on farther consideration, change my opinion, and, in having done so, I stand in company with some of the best, the wisest, and the purest men of our country, and especially with that man who most deserves the gratitude of this country for the establishment of this Government—I mean the late Chief Magistrate of the United States, and with one not less honest, though less distinguished, the present Governor of Virginia. The conviction was forced upon us by necessity and the lights of experience. But, while I acknowledge this, I must, at the same time, be permitted to say, that I think the gentleman who urged this, has utterly failed of establishing the slightest contradiction between the principles I then held and those on which I advocate the present bill. His failure is most signal. He first assumes it for granted, that if Congress does not possess the power of incorporation, it has no power to make internal improvements; and then he urges my objections against the former power to disprove the existence of the latter. But I am sure that, to do away this assumption, I may appeal not only to his own candor, (for I never admitted what he assumes,) but to the example of his own State, which has, at this moment, a Board of Internal Improvements, sanctioned and aided by the State Legislature, and yet not incorporated; and to the example of this Government, which made the Cumberland road without granting any act of incorporation to effect it. So that, even granting him the full benefit of the opinion I formerly held and expressed in the Senate, and which he now quotes against me, it does not advance him one step in his argument.

A member on my right (Mr. Randolph) has done me honor to notice an argument I brought forward some eight or ten days ago, and although he set out with declaring that he should treat it with more respect than I had treated that of the Chief Magistrate, I think I may appeal to the Committee to decide whether he has redeemed his pledge. Sir, I am growing old. I have had some little measure of experience in public life, and the result of that experience has brought me to this conclusion, that, when business of whatever nature, is to be transacted in a deliberative assembly, or in private life, courtesy, forbearance, and moderation, are best calculated to bring it to a successful conclusion. Sir, my age admonishes me to abstain from involving myself in personal difficulties; would to God that I could say I am also restrained by higher motives. I certainly never sought any collision with the gentleman from Virginia. My situation, at this time, is peculiar, if it be nothing else, and might, I should think, dissuade at least a generous heart from any wish to draw me into circumstances of personal altercation. I have experienced this magnanimity from some quarters of the House. But I regret that, from others, it appears to have received no such consideration. The gentleman from Virginia was pleased to say that, in one point at least, he coincided with me—in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my defects; but, so far as my situation in early life is concerned, I may, without presumption, say they are more my misfortune than my fault. But however I may regret my want of ability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this Committee, as to the strength of his argument. Sir, I am no preceptor; when I desire perfect accuracy of definition, or correctness of pronunciation, I may go to the highest authority in this House—probably in this country—the gentleman himself; but, in the meantime, I am very sure that my commentary on the word in question, has not yet been fairly met and refuted. The honorable gentleman from Virginia has asked, whether, in the preamble of the Constitution, the people of the United States are made to say that they adopt that instrument "in order to *construct* justice," or to *make* justice. I answer, sir, in one sense, yes. In all that relates to that part of the penal code which assigns punishment to acts not immoral in themselves, but only criminal because prohibited by law, whatever is *malum prohibitum*, and not *malum in se*, the law *creates* the crime; the crime, as such, had no existence till the law defined and prohibited it. Here criminal justice is *created*, and a crime is *constructed*, and *made* by force of law.

The gentleman from Virginia says, that the settled sense of the Constitution for these thirty years past, may be gathered from the practice under it. But if his construction be true, no post road has yet been established; for, according to him, every one of them may be abrogated at pleasure by the States. The gentleman has gone for illustration to the small but respectable State of Delaware—and has said something about her "getting her back up," and "resisting the passage of the United States troops." Sir, is the Legislature of the State of Delaware, or of any other State, large or small, to resist and defeat the laws of Congress made by Delegates from every part of the Union? I know that the interest of the States is, in general, a guarantee against any resistance on their part, to the exercise of a power so beneficial as that of transmitting the mail; but we have seen cases of contest between a State and the General Government, in which their attachment to the Confederacy has not always been sufficient to restrain them, and we have seen them in peace and in war. A late instance occurred between the States of New York and Connecticut. When men's passions get up, there is no telling before hand into what measures they may be precipitated.

But, has the gentleman met my argument on the difference between the Constitution and the old Confederation? That the Government acts under the one by its own intrinsic energy, while by the other, it was dependent for every act upon the power of the State Legislatures? Has he shown that this principle of difference does not apply to post roads, as well as to any other branch of the powers of the Government? It is possible, I admit, that cases may be produced, in which the sense which the gentleman attributes to the word "establish" may hold—but, in the Constitution, as well as in the President's Message, it is used in the sense for which I contended.

It has been said that one leading motive which led to the adoption of the Federal Government, was the necessity of some general regulation for foreign commerce. I grant this; but I ask, are we to refer to the various motives which prevailed on the people to adopt the Constitution, or to the Constitution itself, for the principles of its interpretation? I will draw an illustration of this part of my subject from the records of that profession, of which the gentleman from Virginia has spoken, in no very respectful terms, but which has produced in all countries some of the ablest, wisest, and best men that have ever adorned our species. I advert to a case which is no doubt familiar to the gentleman's historical recollection, the famous Coventry act, which was passed in consequence of an affray that took place in the public streets of London, between some knights and other persons of distinction, and which prohibited, under severe penalties, the "drawing of blood in the streets;" no doubt ever did or could exist as to what was intended to be prohibited by this act; and yet, if its interpretation had been limited by the motive of its enactment or the preamble, it would have been restrained to the particular case which led to its passage. We must look into the instrument, to its words, and not out of it, for its true meaning. Resort may indeed be had to the preamble—but even the preamble is not suffered to control the interpretation. It is only used to assist in finding the meaning of equivocal and doubtful phrases. So in the present case—I know that commerce and revenue were leading considerations in the formation and adoption of the Constitution; but we are to look at the words of the grant, and though I would not say that we are wholly to reject all consideration of the motives, yet they are but of small avail in interpreting plain words in the instrument itself. Now, the self same words being applied in the Constitution to the powers of Congress over internal, that are applied to its powers over external, commerce, I contend that all powers given for the one are given for the other: the words are the same—the objects are the same. It is true, indeed, that, in the origin of the Government, it might not be necessary to insist on this interpretation, because there was then no pecuniary means to exercise the power, or at least, in a very partial extent—the same may be said of the power to establish post roads. The country was just out of a distressing war, followed by a distressing peace. The public revenue was in such a state, that it was doubted if it would be competent to pay the civil list—it is not wonderful that, at such a time, the Government did not use all the powers which it possessed.

Gentlemen have misstated, or misunderstood, what I said in relation to the exercise of powers confided to the Government. I never said that simply not to exercise these powers was treachery: but that when the public good required their exercise—and especially when none but Congress could exercise them, when Congress must exercise them, or they would not be exercised at all, then, not to use the power was treachery; and I still hold and repeat the sentiment. Although commerce and revenue were at first very leading motives to the Federal Constitution, are we to limit the Constitution by this rule? Let us remember that then the country had scarcely any interior, there were few settlements, and but few settlers, beyond the Alleghany Mountain. The whole interior has grown up since the Constitution was adopted; and though this gives no new power, yet it may and ought to call forth every dormant power conveyed by that instrument, the exertion of which may tend to the public prosperity. It presents a new case—new relations—new interests; and certainly it is the duty of Congress to look to the whole—to remember we have an internal as well as an external commerce; and to seek to enable this country to say, what has been so often proudly said in England—"England is England's best customer." I hope that it will yet be said, America is America's best customer. Sir, a new world has come into being since the Constitution was adopted. Are the narrow limited necessities of the old thirteen States, of indeed parts only of the old thirteen States, as they existed at the formation of the present Constitution, forever to remain a rule of its interpretation? Are we to forget the wants of our country? Are we to neglect and refuse the redemption of that vast wilderness which once stretched unbroken beyond the Alleghany? I trust not, sir. I hope for better and nobler things. The gentleman intimates that the General Government may have powers in time of war which it does not possess in time of peace; but I ask, has it any powers but what it holds by grant of the Constitution, expressed or fairly implied? And if not, does it not possess the same powers at all times? True it is, that in peace many of these powers are not called forth into action and exercise—but they exist nevertheless, or the Constitution is a nullity. Sir, is war a source of power? Is necessity a source of power? Surely not. The Government holds its powers not by peace, or war, but by the Constitution. I ask whether, while peace yet continues, the Government has no powers which are preparatory, but which have a direct relation to war? May it not cast cannon? May it not provide muskets, to put into the hands of a hardy and gallant yeomanry? May it not make forts?—and if it may do all these, do I advance a single step, when I ask, may it not make roads also? Yes sir. I do say roads are in place of forts, and in a great measure dispense with the necessity of building them: roads collect the moveable force of the country, and condense it on whatever point may be attacked or threatened by an enemy. What was told us, when, the other day, we voted for a road in Arkansas? That the great body of population in that Territory was separated by a wilderness, from that in other States, impracticable and impassable; and we voted for that road as a measure of defence—and it is a measure of defence—far more effectual than fortifications would have been.

Another gentleman from Virginia (Mr. Archer) employed a species of argument, the propriety of which I again submit to his candor. He takes up all the various Constitutional sources, whence the friends of the bill draw the power, and examines them separately, and in detail. And, contending that no one of them would induce Congress to pass the bill, dismisses the whole in succession. Now, sir, is not this treating the subject upon grounds of expediency and not of power? He asks if you would make these internal improvements for the purpose merely of transporting the mail? Or for that of facilitating the distribution of the public force? Or for that of promoting internal commerce among the several States? And, emphatically pronouncing the negative, in reference to each of those several objects, the gentleman seemed to think that the Committee ought to come to the same conclusion to which he brought himself, that this power does not exist. Is it fair, thus to pass in review the various objects, and to pronounce, that, since no one of them, considered by itself, would lead to the adoption of the proposed policy, the bill ought not to pass? The motive for the exercise of power is one, and a totally different thing, from the power itself. It might be conceded, that no one of the objects suggested, considered apart, would present a sufficient motive to enact the bill; and yet, that the aggregate effect of the whole of them united, would present an adequate motive. In truth, almost the whole argument against the bill is virtually an argument on expediency, rather than power. The gentlemen argue from extreme cases; but, if their argument amounts to any thing, it is good against the exercise of any power whatever, and applies as much to any and every other power of the Government, even to those literally and expressly granted, as it does to the incidental power now in dispute. The power of taxation is a power expressly granted; and taxation may be carried so far as to take away the last dollar from every man in the community. But, is this good argument against the existence of the power? So gentlemen ask us if we are going to make 80,000 miles of post roads? No, sir; but this does not operate as a reason why we may not such as are called for by the wants and the safety of the country.

The gentleman from Virginia has reminded me of the many obligations conferred by this Government upon the West—and, among them, has spoken of the grants of land for education. I ask the gentleman, Were not these paid for? Have not these school lots raised the value of the whole body of United States land by which they were surrounded? Sir, the Western States have never yet received any thing from this Government for which they have not given an equivalent. They have paid a *quid* for every *quo*. Was the West allowed to buy its land of the Indians; or, did not the whole avails go into your own exchequer? You yourselves desired it. And, as to the Indian wars, were they not necessary for the safety of the whole Union? [Here Mr. RANDOLPH interposed, and denied having adverted to the Indian wars.] If he did not, said Mr. C., then I must say he has made out a wretched list of benefits. Sir, I regret the introduction of such a topic. It is one on which I should never have dwelt, unless forced into its discussion. But I will say, in leaving it, that the sale of your land to the people of the West, has brought more money into your Treasury than has been acquired in the sale of the public domain of all the Powers of Europe together who own American colonies. I know it may be said that there is no compulsion, and that the whole of this revenue is from voluntary purchase. True, sir; but is this parental Government to look, in the spirit of Shylock, only at the bond? If its policy, by whatever circumstances, has practically operated to drain one portion of the country of its money, ought not the Government, like a wise and considerate parent, to counteract this enfeebling process by the adoption of a broad and beneficent national policy, especially when that may be done, not only without doing injury to any other part, but so as to advance the prosperity of all? With this appeal to the equitable feelings and the sound discretion of the Committee, Mr. C. said, he should close what he had now to say; and, as it had been with reluctance that he rose, he now sat down with equal pleasure.

Mr. CLAY having concluded; on motion of Mr. TRIMBLE, the Committee rose and reported, and obtained leave to sit again.

Previous to the Chairman leaving the Chair—

Mr. HAMILTON rose in his place, and stated that he wished, though in a very informal way, to make a communication, to which, from its nature, he was sure every gentleman would listen with interest. The House had all witnessed, with regret, the very unpleasant altercation which, during a late debate, had taken place between two honorable members of this House. He was now the bearer of the agreeable intelligence that, through the spontaneous interposition of friends, the state of feeling which arose on that occasion had been successfully removed, and had been exchanged in a manner highly honorable to both the parties, for a happier one; the gentlemen had been restored to each other in relations of mutual amity and personal respect, and every painful recollection removed—he congratulated the House on so happy an issue of an affair which all who witnessed it could not but deeply deplore.

MONDAY, February 2.

The House proceeded to consider the proposition submitted by Mr. COOK, on the 12th ultimo, to amend the rules of the House; and, being read,

Mr. TAYLOR moved to amend the same, by substituting, in place thereof, the following:

"A member having a petition to offer, without a formal presentation of it to the House, may deliver it to the Clerk, his name being endorsed thereon, with a memorandum of the standing committee to which he desires it to be referred; and it shall be accordingly entered by the Clerk, under the direction of the Speaker, in the Journal of the day upon which it is so offered; reserving, however, to any member, the right to make, if he deem it proper, a formal presentation of the petition.

"If a petition be erroneously referred, the chairman of the committee charged with it may, through the hands of the Clerk, pass it to the chairman of the proper standing committee; and an entry shall be made on the Journal, under like direction, discharging the first committee from the consideration of the petition, and referring it to the last mentioned committee, on the day of such transfer. If there be a disagreement between the chairmen, the House shall decide."

The amendment being read, and debate arising, the subject was ordered to lie on the table.

Mr. FORSYTH presented a petition of sundry inhabitants of the county of Camden, in the State of Georgia, praying that measures may be adopted for the cutting a canal from the river St. Mary's, along the southern extremity of the Oguefenoka Swamp, to the waters of the Suwanee river; which petition was referred to the Committee on Roads and Canals.

Mr. NEALE presented the memorial of sundry inhabitants of the town and county of Alexandria, in opposition to the memorial of the Common Council of Alexandria, heretofore presented to this House.

Mr. MERCER presented a memorial of sundry merchants and millers, in Prince William County, in the State of Virginia, praying that the acts of the Common Council of Alexandria, in relation to the inspection of flour, may be revised and amended.

The said memorials were referred to the Committee for the District of Columbia.

The SPEAKER presented a resolution adopted by the General Assembly of the State of Indiana, requesting that Congress will make provision for the continuation of the national road from Wheeling to the river Mississippi; which resolution was referred to the Committee of the Whole to which is committed the bill for the continuation of the Cumberland Road.

The SPEAKER presented a memorial of the General Assembly of the State of Indiana, praying for the aid of Congress in opening a canal navigation between the river Wabash and the river Miami of Lake Erie; which memorial was referred to the Committee of the Whole to which the bill upon that subject is committed.

Mr. JENNINGS presented a resolution adopted by the General Assembly of the State of Indiana, respecting the continuance of the national road to the Mississippi river, a copy of that this day presented by the Speaker.—Referred to the select committee appointed on the 9th of December last, upon the subject of the two per cent. fund, set apart from the proceeds of the sales of public lands to the making of roads.

Mr. Rankin, from the Committee on the Public Lands, to whom the subject was referred, by resolution of the 15th of December, and to whom was referred a memorial of inhabitants of Fernandina, in Amelia Island; reported a bill granting donations of land to certain actual settlers in the Territory of Florida; which was read twice, and committed to a Committee of the Whole.

Mr. Rankin, from the same committee, to whom the subject was referred by resolution, on the 24th of December, and to which was also referred, on the 22d December, a petition of inhabitants of that part of West Florida now attached to the State of Louisiana, reported a bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the Saint Helena and Jackson Courthouse land districts; which bill was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, reported a bill for the relief of William King; which was read twice, and committed to a Committee of the Whole.

Mr. Whittlesey, from the Committee of Claims, made a report on the petition of Mareen Duvall, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Mattocks, from the same committee, made a report on the petition of Lemuel Arms, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Ordered, That John Biddle, who contested the election and return of Gabriel Richard, the delegate from the Territory of Michigan, have leave to withdraw his memorial and documents.

Two Messages were received from the President of the United States, the first of which is in the words following:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 11th of December last, requesting the President of the United States to communicate to the House all such parts of the correspondence with the Government of Spain, relating to the Florida treaty, to the period of its final ratification, not heretofore communicated, which, in his opinion, it might not be inconsistent with the public interest to communicate, I herewith transmit a report from the Secretary of State, with copies of the correspondence requested.

JAMES MONROE.

Washington, *February* 2, 1824.

The Message was ordered to lie on the table.

[These documents, *in extenso*, will be found in the Appendix to the Annals, Second Session, Sixteenth Congress.]

The second Message is as follows:

To the House of Representatives of the United States:

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with a digest of recent commercial regulations of foreign countries, prepared in compliance with a resolution of the House, of the 30th of January, 1823.

JAMES MONROE.

The Message was ordered to lie on the table.

Mr. Rankin laid before the House a communication addressed to him, as Chairman of the Committee on the Public Lands, by the Commissioner of the General Land Office, detailing the situation and state of the business in that office, and asking that provision may be made for the temporary employment of an additional number of clerks; which communication was referred to the Committee of Ways and Means.

On motion of Mr. Brent, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a pre-emption right to all persons who are settled upon the public lands on the banks of the Mississippi, for the purpose of aiding and facilitating steam navigation upon said river.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of passing a law to encourage settlement on the public lands upon the banks of the Mississippi river, with a view to improve the navigation of said river.

Resolved, That the Committee on the Public Lands be instructed to inquire into the rights of the State of Louisiana to the cypress swamps within the limits of said State, and that such report be made as the rights, justice, and expediency of the case may require.

On motion of Mr. McCoy, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a branch of the district court for the western district of Virginia, at Stanton.

ADDITIONAL INDIAN AGENCIES.

On motion of Mr. Cocke, chairman of the Committee on Indian Affairs, the orders of the day were postponed, to take up a bill for the appointment of two additional Indian agents. The House accordingly went into Committee of the Whole on the consideration of the bill.

[This bill provides, first—"That, from and after the passage of this act, the President of the United States be, and he is hereby, authorized to appoint two Indian agents, in addition to those already provided by law, to be stationed on the western side of the Mississippi, at such places as he may think proper.

"Second. That the agents appointed according to the provisions of this act, shall receive a compensation for their services of one thousand three hundred dollars each, in full, and that all rations, or other allowances, made to them, shall be deducted from the sums hereby allowed."]

On this bill, which the chairman of the Committee on Indian Affairs assured the House would not detain them ten minutes, a desultory debate arose, which continued till past three o'clock.

The object of the bill, as well as the circumstances which gave rise to it, were stated by Mr.

Cocke, who referred the Committee to a letter of the Secretary of War. This letter, together with a document accompanying it, exhibiting the present number and emoluments of all the Indian superintendents, agents, and sub-agents, now employed by the United States, was read at the request of Mr. Rankin.

The expediency of the bill was advocated by Messrs. Cocke, Conway, Clay, and Cook; and opposed by Messrs. Rankin, Ross, Floyd, Vance of Ohio, and Foot of Connecticut.

The grounds insisted on in its favor were the disorderly state of the Indians on the Arkansas river and its vicinity, produced in part by the removal of the remnants of other tribes into that Territory and its neighborhood, in consequence of an exchange of their lands elsewhere for lands there. Some of these were from tribes who inherited an ancient grudge against each other, and almost the whole of them were more or less dissatisfied with the arrangement which had placed them there. They were now in a very lawless state, and committed great depredations on the property of the settlers; and recent intelligence had been received of actual hostilities and bloodshed. Two agents were as few as could be assigned for this region, and it was hoped that their presence and influence with the ordinary means employed in such agencies, would have an operation to restrain these excesses.

The opposition to the bill was directed chiefly against an increase of the present number of Indian agents, many of whom were represented as having very little to do, and as enjoying situations that approached to sinecures. Some of these might be removed to the Arkansas, if agents were thought necessary there. It was incongruous to increase the number of Indian agents, while the number of Indians themselves was on the decrease. The Governor of the Territory of Arkansas was already, *ex officio*, an Indian superintendent. The legislation, now proposed, would be partial and imperfect. The entire system ought to undergo a thorough revision. Agents should be removed from places where they were useless, and transferred to other spots on our frontier, where their presence was more needed, and some of them might be dispensed with altogether. Besides, the discontents of the mixed multitude of Indians who had been crowded and concentrated on the Arkansas, were not to be assuaged by appointing agents. Those discontents were founded too deeply to be reached by such a remedy. They were the consequences of the oppressions exercised on the Indians in intrusions by the whites on their hunting grounds; a practice that was carried to a pernicious excess. (A single white hunter often having thirty, forty, and a hundred hands, employed at once in trapping, while the poor Indian owned but a single trap.) If we would prevent the further effusion of blood, it must be by an efficient system of measures putting an end to this practice.

Mr. Cocke moved to fill the blank, designating the salary with one thousand three hundred dollars, which was carried.

An attempt was made to lay the bill on the table, and lost—ayes 54, noes 107.

Mr. Scott proposed to amend the bill, by inserting the words, "In the Territory of Arkansas and west thereof;" but, before the question was taken, on motion of Mr. Foot, of Connecticut, the Committee rose, and asked leave to sit again, which was refused by the House.

Mr. Cook then moved that the bill lie on the table—which motion prevailed—and the bill was ordered to lie on the table.

Tuesday, February 3.

Mr. Crowninshield, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Vinton, from the Committee on the Public Lands, to which was referred the petition of John Henry Rentrope, reported a bill, authorizing repayment for land erroneously sold by the United States; which bill was read twice, and committed to a Committee of the Whole.

Mr. Edwards, from the same committee to which was referred the petition of Sewall Fullam, reported a bill for the relief of Samuel Rist; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. Newton, from the Committee on Commerce, made a report on the petition of William Porter, accompanied by a bill to authorize the issuing a register to the brig William of New York; which bill was read twice, and ordered to lie on the table.

The resolution submitted on Friday last, by Mr. Tracy, was taken up, read, and ordered to lie on the table.

Mr. Cocke laid the following resolution on the table for consideration on to-morrow:

Resolved, That the President of the United States be requested to communicate to this House a statement, showing the situation of any suit or suits which have been or are now depending, in which the United States are interested, for the recovery of the possession of a tract of land, commonly called "the Pea Patch," and on which Fort Delaware is situated, specifying the amount of money paid by the United States in each case, to whom paid, and the times, respectively, by whom, on what account, and from what fund.

The Speaker laid before the House a letter from the Secretary of War, transmitting a statement of appropriations for the service of the year 1823, showing the amount appropriated under each specific head, the amount expended under each, and the balance remaining unexpended in the Treasury on the 31st of December, 1823; which letter and statement were referred to the Committee of Ways and Means.

The Speaker also laid before the House a communication from the Secretary of the Treasury, accompanied by a letter from the Commissioner of the General Land Office, with all the books and reports of the several boards of commissioners and recorder of land titles, made out and transmitted to the Treasury Department, under the several acts of Congress, and the instructions predicated thereon, relative to the adjustment of land titles in the former district of Louisiana and Territory of Missouri, now State of Missouri, and Territory of Arkansas, forwarded in obedience to a resolution adopted in this House on the 14th ultimo; which were referred to the Committee on the Public Lands.

Ordered, That the Message of the President of the United States, dated on the 22d January, 1823, communicated to this House at the last session of Congress, accompanied by a report of a survey of the rivers Ohio and Mississippi, from the rapids of the river Ohio at the mouth of the river Mississippi, be referred to the Committee on Roads and Canals.

On motion of Mr. Cocke, it was

Resolved, That the Committee on Indian Affairs have power to call for persons and papers touching so much of the President's Message of the 2d of December, 1823, as was referred to said committee.

On motion of Mr. Owen, the Committee on Commerce were instructed to examine and report to this House whether, in their opinion, the laws now in force authorize the exaction of duties on tonnage of barges, steamboats, and other craft, trading wholly on the waters of the Alabama and Tombigbee rivers; and whether, by the same laws, licensing and enrolling are also required; and further, if duties, and licensing, and enrolling, in such cases, are required by law, how far it is expedient to revive the 8th section of the act of the 1st May, 1802, and of extending the provisions thereof to the collection districts of Alabama.

On motion of Mr. Whittlesey, the Committee on Commerce were instructed to inquire into the necessity and expediency of erecting a lighthouse at some suitable site on the south shore of Lake Erie, east of Chagrin river and west of Conneaught creek.

On motion of Mr. Gurley, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the legality of the charter granted to the Orleans Navigation Company, by the government of the late Territory of Orleans, on the 5th July, 1805, and the right of said company to exact and collect a tonnage duty on vessels navigating the river or bayou St. John, in the State of Louisiana; and, should the committee be of opinion that the same is illegal, that they report to this House such measures as they may deem most expedient and effectual to adopt to secure the free navigation of said river.

Resolved, That the same committee be instructed to inquire into the expediency of disapproving, by law, of the act of the government of the late Territory of Orleans, incorporating the Orleans Navigation Company, passed on the 5th of July, 1805.

On motion of Mr. Andrew Stevenson, the Committee of Commerce were instructed to inquire into the expediency of so amending the several laws relating to the districts of Bermuda Hundred and City Point, in the State of Virginia, as to permit ships or vessels arriving in ballast to make entry in the manner now provided by law, for vessels laden with goods, wares, and merchandise.

On motion of Mr. Rich, the Committee of Claims were instructed to inquire into the expediency of discharging from their liability, either in whole or in part, the sureties of Walter Sheldon, deceased, late a district paymaster in the Army of the United States.

On motion of Mr. McLane, of Delaware, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the public stock of the United States to be purchased and sold by the courts of the United States.

Mr. Moore, of Alabama, submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of enacting a law, explanatory to the treaty made between the United States and the Cherokee Indians, on the 8th of July, 1817, in such manner as shall authorize those holding reservations in land for life, with a reversion in fee simple, to their heirs, to make leases for a term of years of the same, without incurring a forfeiture of their estate for the want of personal residence.

The said resolution was read, and ordered to lie on the table.

On motion of Mr. Cook, the Committee on the Public Lands were directed to inquire into the expediency of authorizing the President to cause a land office to be opened at some point near the route proposed for a canal, to connect the waters of Lake Michigan with the Illinois river, when he shall deem it expedient.

SURVEYS FOR ROADS AND CANALS.

The House resolved itself into a Committee of the Whole, (Mr. Foot in the Chair,) on the bill making provision for procuring the necessary surveys, estimates, &c., for roads and canals.

Mr. Trimble having ceded his right to the floor—

Mr. J. S. Barbour, of Virginia, rose and said: In addressing the Committee upon this subject, he labored under no common share of embarrassment. The magnitude of the question itself, the ability and eloquence already evolved in the discussion; the relation in which I stand to a majority of my colleagues on this topic—all unite to increase the embarrassment which I feel in the discharge of the duty incumbent upon me. While these considerations give me, I trust, some claim to indulgence, they make a fearless discharge of that duty more necessary and imperative.

Can this Government construct such roads and canals as are necessary and proper to fulfil its Constitutional obligations? The solution of this question covers the whole range of the present discussion. It is a question of power—of implied power, conferred by that charter which alike marks our powers and our duties. The three great instruments of power given to this Confederation are, its Army, its Navy, and its right of taxation. The duties enjoined on it are, the common defence and general welfare. The first provides the means, the last indicates the ends to be attained. Its constructive power results from that grant in the Constitution to make all laws necessary and proper for carrying into effect the mass of power expressly granted. The subject, then, presents itself to us from this point of view—Are roads and canals necessary and proper, in the full exertion of the powers conferred, in order to discharge the duties enjoined? Are they necessary and proper, as a means of providing, maintaining, and employing the Army and Navy of the United States? At the threshold of this inquiry, two objections, of a character apparently insuperable, have been presented by my colleagues, (Mr. P. P. BARBOUR and Mr. A. STEVENSON.) The first of these gentlemen has told us that the right of establishing roads and canals involves the necessity of exclusive jurisdiction; that exclusive jurisdiction has been granted in certain enumerated cases, and that this enumeration is exclusive, in cases not enumerated. If the premises were here correct, the deduction would be irresistible. But, Mr. Chairman, is exclusive jurisdiction, in this Government, necessary for the exercise of this power? I apprehend that it is not. Exclusive jurisdiction has been granted over the District in which we hold our deliberations, and over such other territory, ceded with the assent of the States, for forts, arsenals, dock yards, and other needful buildings. What is the effect of this exclusive jurisdiction? It necessarily carries with it the sole and absolute legislative powers to the full extent of that jurisdiction. It embraces, in its exercise, every subject that can be matter of legislative, executive, or judicial cognizance. The wise framers of the instrument under which we act, believed this power to be rightfully and safely vested in the United States, for the uses which have been expressly specified. The question recurs upon us, Is this right of exclusive jurisdiction necessary, in the construction of these roads and canals? Cannot this Government acquire and hold the right of property in the soil, while the jurisdiction over it is still reposed in the State governments? Numerous instances could be cited, in which the United States may exert a proprietary right, totally apart from its sovereign rights. And, this right being once acquired, what objection can arise in enacting such needful rules and regulations as tend to preserve it? This Confederation is expressly vested with authority to make all needful rules and regulations that may relate to the territory, or other property of the United States. Exclusive jurisdiction, and the right of property, are not inseparable. I can perceive no difficulty in exercising the control which the right of property gives to the one, and the exercise of jurisdiction by the other government. If there be a violation of any private right, or of any law relating to the whole circle of crimes and punishments, committed upon such soil, then the State claiming jurisdiction will necessarily take cognizance of such offences. Its code of laws supplies the rule to redress the wrong, and punish the delinquent. This municipal authority, to the extent retained, is sovereign on the part of the States, and I am unable to discern the least peril of colliding jurisdictions.

The other gentleman from Virginia (Mr. S.) denies to this Confederacy the right to acquire lands in the several States, and if such acquisition could be made, it must, he says, be held as one sovereign would hold lands in the territory of another. I dissent to both these propositions. Can gentlemen be serious in denying to this Government, created for such great purposes, a power which belongs to every corporate town, and to every turnpike company in the several States? This is not only one of the inherent attributes of its institution, but the fifth amendment to the Constitution recognises the right to take private property for public uses, connecting with that right the correlative obligation of making just compensation to its owner. Can this right of acquisition be construed to relate to personal property only? The United States have already expended many millions of its treasure in the purchase of lands. This right, by purchase, expands itself over the boundless territory washed by the waters of the Mississippi, now subdivided into several States. Is the title to these vast domains defective? Are the Representatives from these States intruders within this Hall? A large portion of territory was obtained by purchase from the State of Georgia—an instance which will forbid gentlemen from seeking refuge in the treaty-making power, to shun the force of these precedents.

I apprehend, sir, that this Government is not bound to hold its lands in the States, subject to all the conditions which one sovereign may impose on another. The two systems of government were designed to compose one harmonious and consistent whole, each moving in its appropriate sphere of action, and ministering to the common weal. If there be any proposition about which there should be no diversity of opinion, it is that, to the extent of the powers granted, this Government is supreme; the Constitution has so expressed it, and the State courts are positively required to observe and maintain its legitimate supremacy. But, are the State governments sovereign? The 10th section of the first article of the Constitution is filled with limitations upon the sovereignty of the States. I need not point to them—they are within the knowledge of all. And here let me take leave to add one further limitation—the local authorities are also controlled to the extent of all the means necessary and proper to carry into effect the delegated powers of this Government, be these means "municipal," or otherwise. This limitation is the obvious result of that clause of the Constitution which claims for itself, and gives to its laws a supreme control. The conclusion seems to me inevitable, that this Government may acquire a proprietary right of soil, for national purposes, within the several States; that this right of property draws after it the power to make all needful rules and regulations affecting it, and that these powers may be rightfully exerted, independent on all local authority.

Congress can claim no other powers than such as are expressed, and those which are incident to the express grant. There is no language in this Constitution, as in the Articles of Confederation, to exclude implied powers; on the contrary, this class of powers is bestowed by positive words. The express powers are the result of express grant; those which are incidental must, from their character, necessarily be the result of legislative discretion, limited by the terms of the Constitution. No safer rule of construction can be furnished, than to interpret the words of the instrument in their plain and obvious sense, neither enlarged by a spirit of encroachment, nor checked by any unwise denial of the necessary powers to effect the great design of its creation. No constitution can do more than draw the general boundaries of the government to which it gives being. To mark the various divisions of its power, would have been a task endless and impracticable. Where, in this instrument, can be found a grant of express power, which does not necessarily require others of a character incidental and auxiliary? Powers that are vital to the existence of the Government, and without which it would be unworthy of the wisdom which created it, and unfitted to secure the welfare of the people. The security for the faithful performance of these powers will be found in the wisdom and virtue of those who are chosen to be the guardians of the public interest. It will be found in the language of the Constitution, which limits their exercise, and forbids usurpation; and if these should prove ineffectual safeguards, there remains the great conservative principle, which springs from the frequency of elections. So long as this power remains in the hands of the people, there is no danger of abuse. Jealous of their just rights, and possessed of an ample remedy, they will not forbear to employ it, when duty shall bid them to act.

I shall not seek to derive the power in question from that clause which relates to post offices and post roads. The argument of the honorable Speaker, and that of the gentleman from New York, (Mr. Storrs,) have done so much justice to this branch of the inquiry, as to make any effort on my part worse than idle. If I can satisfy the Committee that this is a necessary incident to the military and naval power of the United States, I flatter myself that I shall have accomplished all that duty requires. If the *end* be lawful, and within the legitimate purpose of the Constitution, it draws after it all the means necessary and proper to attain that end. If this be not true, then the language in which the Constitution itself is written has lost its meaning, and the government it creates a mockery upon the intentions of its framers.

Congress has power to provide and maintain armies and navies, as instruments necessary for the common defence—one of the great duties charged upon the Union. Connected with these, express power is granted to erect forts, arsenals, and dock yards. For what purpose are you to build forts? They suffice the purposes of defence, but they must be filled with troops, cannon, small arms, and all the munitions of war. The means of transporting these are just as necessary as the forts themselves. The road that conducts to the fort, is indispensable to its useful maintenance. Again, for the purpose of building a navy, you may erect dock yards. Can it be supposed, that all the vast variety of materiel for ship building could be growed, manufactured, and obtained, in the dock yard itself? Can these be had but by the means of transportation? Without roads and canals to your forts and dock yards, the purpose indicated by their establishment would be physically impracticable. The relation here, between the means and the end, is not only direct, immediate, and appropriate, but absolutely and indispensably necessary. Will such roads and canals be taken as part of the forts and dock yards, or as necessary to their existence? If the former, then the power belongs to that class which is conferred by express grant. If the latter, they are necessary and proper, and are classed with the incidental powers, by the plain letter of the Constitution.

But, it is said that, if the power exist to cut roads and canals for forts and dockyards, they must be limited by the necessity that creates them; and that, having created them for these uses, the power to create ceases, with the use in which they are employed. If the United States possess this power in any case, it obviates most of the difficulty offered to its exercise, in all cases; inasmuch as it develops the existence of this power, without involving exclusive jurisdiction, but carrying a right of property in the soil, and a consequent authority to enact all needful rules and regulations, in relation to that property.

Let us, however, Mr. Chairman, examine this question, so far as it is an incident to the aggregate military power of this Government. For what end is this power given, and for what purpose may it be rightfully employed? The Constitution supplies the answer; "for the common defence and general welfare." I shall not contend that this language was designed to infuse power into this Confederation, but its manifest intent is to impose an obligation. The duty which it enjoins is co-extensive with the entire limits of this expanded and expanding Union. Your armies, with all the circumstance of war, are to be marched and transported throughout the almost boundless extent of these States. The untrodden wilderness is to be traversed, not only by the footsteps of the soldier, but all the munitions of war must accompany him. What means are most plainly adapted to this end? Gentlemen have said that post roads were not necessary, on the part of this Government, because population precedes the necessity for post roads; and that highways will be provided, which suffice for post roads. But, can this be the case, in the exertion of the military power? The populated portions of our country are not the usual theatre of battles. The abode of civilization cannot be visited by the horrors of war until the frontier is passed. There often exists the strongest necessity to transport troops to the most remote quarter. The peace, the safety, and the lives of our people, frequently depend upon the rapidity of this transportation. As a mean to accomplish the end, to discharge the most sacred and positive duty required by the Constitution, roads and canals are strongly necessary. They are so, as a further means of promoting an economy of treasure and of blood. Can it be thought, that this necessity exists only in war? Sir, I know no power belonging to this Government, with which it is not as fully clothed in peace as in war. In war, when all the resources of the nation are necessary for its successful operation, is it practicable to commence and prosecute a system of internal improvements? Peace is the season of preparation. In war, all our means are wanted to conduct us in safety through its perils. If that be the only period in which it is Constitutional to create military roads, it is alike the period when it is utterly impracticable, and if this argument be just, it amounts to a total denial of all authority over this subject. A state of war renders it impracticable, although then admitted to be Constitutional; in peace, it is alone practicable—but, according to this argument, it is then unconstitutional. The effect of this mode of construction is to demand duties, and deny, at the same moment, the means of discharging them. As an incident to the military power, they are eminently useful. They augment the safety of the nation at home, and increase its respect abroad. In this view, public confidence is enhanced, while foreign nations are counselled to respect a people, at all times ready to protect themselves; they tend to promote economy in the various employment and expenditure of the whole military power of the Union. By attaining these great objects, our independence, honor, and prosperity, are defended and secured; and, if so, can there exist a rational doubt that they are necessary and proper in providing for the common defence of the whole United States, and are therefore, Constitutional?

I beg leave to offer a further view of this question. The experience of past ages, and the counsels of our own constitutions, instruct us, that the chief defence of a free people must rest upon its militia. Trained to arms, and conversant with their duties, they are the defenders of our liberties, not only against external invasion, but against those internal commotions, the consequences of unprincipled ambition. To the assaults of a naval enemy, a large portion of our country is peculiarly vulnerable. If we rely upon the militia as an arm of defence, it behooves us to provide the facilities of rapid transportation to each assailable point. Such an enemy will be always clothed with a capacity to fly or fight, as his inclinations may direct. Your means of resistance must eminently depend upon the promptness which you can gather your forces around him. Should you not provide these facilities, the Government must station regular troops at the numberless assailable points. Apart from the vast expense of such a military establishment, I shudder for the dangers with which it would encompass the liberties of the people. Standing armies have always been viewed as engines of despotism, and as hostile to the existence of all free institutions. The kindred affections, by which all its parts are tied together, the attachment to its chief, which is locked up in the arms of military discipline, the *esprit du corps*, which is its strongest sentiment, united with that principle which counsels man to feel power while he forgets right, all combine to fill the public mind with alarm and with jealousy towards such establishments.

Several gentlemen, who have participated in the debate, admit the incidental powers, and have given us a rule of construction which limits them, by a direct, immediate, and appropriate relation to the end designed; and yet, when they apply this rule, its interpretation denies a choice of all the means to attain the end. The Constitution never intended to deny to Congress a choice of means. Is the end legitimate? Is it plainly and distinctly within the scope of the Constitution? Then all the incidents necessary and proper become the subject of legislative discretion. The Constitution confers on Congress the power to call forth the militia, in order to suppress insurrection, repel invasion, and execute the laws. Here the end is expressly declared, and the means is expressly indicated; and yet, I presume, none will deny that we have power to execute our laws by other instruments than the militia; that we may suppress insurrections by the regular army, or that we may employ the same force to repel invasion. If such constructions of gentlemen be correct, we should be compelled to rely exclusively upon that mean which the Constitution directs to attain the end to which it points. If these walls could speak, or rather if the foundation of this building could instruct us by its warning voice, we might be counselled of the dangerous character of such interpretations of the Constitution.

The alarm expressed in relation to "State rights," is, to my mind, entirely fallacious. The power sought to be exerted, is only seen and felt in the improving hand of the National Government over the territories of the States. It invades no right—it trenches upon no jurisdiction—it is only known in the "blessings it confers." The National Government can usurp no jurisdiction over the States, and all the enactments of Congress upon this subject, are dependent on the States for their execution. The local jurisdiction is not only unimpaired, but this dependence of the one Government upon the other, to the extent of that dependence, enlarges the power of the States, and diminishes that of the Union.

The time was, when it became necessary to augment the powers of the States to their utmost limits, by enlarged rules of construction. A spirit of encroachment had found its way into the Administration of the Confederacy, which many of our wisest heads and purest hearts believed to threaten the preservation of popular government. The freedom of the press was trammelled and the liberty of speech denied. It was in the State governments alone, that these rights were fully possessed. Upon their ramparts the banner of resistance was planted; and through their agency a revolution of public sentiment was achieved, which allayed the fears of the people, and stayed the restless march of power. In the ardor of patriotic devotion, and in the zeal which a glorious cause inspired, it is not matter of surprise, that a sphere of action should be allotted to the States, which might be incompatible with the full exertion of all the functions of the confederated government The events of the late war supply us with some monitory lessons upon this subject. These cannot be forgotten; some of them are traced in blood, and others will long remain as monuments of human error, and of the fallacy of those errors where "reason is left free to combat them." Does the honorable member from Vermont recollect that, under the pretext of State rights, the Governor and Captain General of his own State invoked his militia, by proclamation, to abandon the service of the United States, at the very moment a powerful foe was endeavoring to devastate our northern frontier, and to whelm it in the horrors of war? Whose patriot yeomanry wear the honors of repelling with scorn and indignation this unworthy invitation? What but those rules of rigid construction supplied some of the Northern members of this Confederacy, with the hollow pretence of State rights, to strip the national arm of some of the most salutary powers? Nor was this all; measures were concerted, to arrest and divert the revenue of the nation; a convention of delegates assembled, whose agents were deputed to beard the Government in the moment of its greatest extremity; to paralyze the measures of resistance, and to proclaim its impotence to an arrogant and insulting foe, who openly threatened to lay waste every assailable point; the camp itself became the forum of Constitutional exposition; no one who cherishes an exulting pride in the glory of his country, or that has a heart to feel for its calamities, can forget the scene before Queenstown. A gallant chief conducted our undisciplined troops into the enemy's country. Victory had already perched upon our standard, when the co-operating aid of expected reinforcements was suddenly checked by Constitutional difficulties. Disasters speedily clustered over our hopes, and a nation's honor wept and blushed over the wasted blood of our people, and the sullied lustre of our arms. A construction widely different was given by the people of the West, and as different was the result. They sought the foe, they fought and conquered him; triumph sat upon their brow, and the joy of victory gladdened a nation's heart. A practical illustration is here presented of these two systems of Constitutional construction.

It is time to adopt just and wholesome principles of interpretation. I have no pleasure in referring to instances of delinquency, nor should I have done so, but for the anxious fears which gentlemen express for the rights of the States, and an apprehension of a departure from those rules of construction which they deem sacred. For the preservation of those rights, I feel a solicitude as deep and anxious as any member here. While I cherish this sentiment, I cannot be insensible to the dangers of their encroachment. Some of the events to which I have alluded give me cause to fear, that, in times of public trouble, there is greater danger of anarchy among the members of this confederation, than of tyranny in its head.

The agency of the States in the organic establishment of this Government must at all times give them great power. Let the States withhold from the Union its means of providing a Senate and Executive, and this Government must at once moulder in its ruins. So long as each is duly awake to a sense of the blessings this Union confers, and of the obligations which it imposes, I fear no danger—the system will continue one harmonious and consistent whole. When political corruptions shall have confounded these obligations, it will be in vain that we seek safety in the written forms of the Constitution—it needs not a "prophet's fire" to foretell its dissolution. Our best security is to be found in the virtue and intelligence of the people. Jealous of their rights, and rich in this possession, I ask no pledge but their unceasing vigilance.

I must beg leave, in closing, to express my regret that a gentleman from Pennsylvania (Mr. Stewart) should have deemed this a fit occasion to complain of what he considers the Virginia principles of construction. Sir, it is to these principles that this Union is eminently indebted. They gave being to your Constitution, and a shield to your national independence. They stayed the wild career of a mad and faithless Administration, and arrested the giant strides of ambition. They cherished that love of country which displayed its generous and fearless spirit in every theatre where danger menaced, or where duty summoned. They gave to liberty a resting place among us, and diffused its blessings through this land. They teach us to promote public prosperity, to cherish kindred sympathies, to cement the bonds of union, to perpetuate these blessings to posterity. And, believing that this bill may minister to these beneficent purposes, I shall cordially give it my support.

When Mr. Barbour had concluded—

Mr. Tucker, of Virginia, said, that the gentleman from New York (Mr. Storrs) would see, from the speech of his colleague (Mr. J. S. Barbour) who had just sat down, that with regard to the Constitutional doctrines which he had considered as peculiarly Virginian, there was somewhat of the same diversity in Virginia as in other States; and he ought to have recollected that the same doctrines had been zealously supported by one gentleman from his own State, (Mr. Wood,) and another from Vermont, (Mr. Mallary.) He had also characterized the arguments brought to support a rigid construction of the Constitution as Virginia metaphysics, and it was not the first time that the remark had been made in that House. But if any blame was to be attached to letting the argument turn on mere political abstractions, the other side must come in for their full share, as they had drawn the nicest distinctions between municipal powers, and national and political and various other species of powers. Mr. T. said he should not follow their example, both because he had no talent for that species of reasoning, and because, after the proposition is established that the power in question is municipal or national, or of any other particular class, nothing is gained in the argument, and the parties are still left to differ about the meaning of the terms. He should keep clear of these refinements, and endeavor to adhere, in the discussion, to the dictates of plain common sense. And, although he did not promise himself that he should change a single vote in the Committee, it was possible that what he might say might have some effect elsewhere; and, though it may fail to convince, it might excite some trains of thought that may be improved by others possessed of greater powers than his own.

Mr. T. said he was sorry that so much time had been expended in this debate to prove the advantages of roads and canals. This was surely unnecessary in the present day. A large portion of the labor of every country is expended, not in producing useful commodities, but in conveying them from the parts where they are redundant to those where they are wanted; and the saving in this labor of transportation, afforded by roads and canals, often makes the difference between a rich and a poor country. He was as sensible of their advantages as any one, and had been always ready to contribute his feeble aid in imparting them to the State of which he was a Representative. But he was opposed to the system of which the present bill proposed to lay the foundation, not only because it was beyond the sphere of the powers confided to us by the Constitution, but because he thought it of dangerous political tendency, with regard to the relative powers of the General and State Governments, and unwise as a measure of national economy.

Mr. T. said he did not propose to say much on the constitutionality of the bill, as that branch of the subject had been already very fully and ably discussed. He should, however, trouble the Committee with some remarks on the clause respecting post offices and post roads, in the examination of which, he hoped he should be excused for indulging in verbal criticism. In doing so, he should but follow the example of the Speaker—and, indeed, when the meaning of a clause in the Constitution turns on a single word, as in this case, and its meaning is disputed, there is no other mode of ascertaining the meaning of that instrument. He thought the meaning could be missed only by too much subtlety and refinement, as many who might have found gold, if they had confined themselves to the surface, had lost it by searching too deep for it. The Speaker disclaims all other sources of the power to make roads and canals, than is to be found in this clause. If it is here, it is given by the word *establish.* He says, establish means to originate and create, rather than to adopt or designate. I, in part, agree with him, said Mr. T.; but it often signifies neither the one nor the other. The simple import of the word is, to give stability to, and the object thus made stable, may originate at the same time, or it may not. Mr. T. here gave several illustrations of the meaning of the word, in all of which, it signified to give stability of some kind—of truth, or certainty, or law. In no case of legislation does it import a physical act, but merely to give to some subject the stability of law. But, if it be admitted that it is synonymous with make or create, it would not advance the purposes of the argument, as it would simply mean, to create by legislative enactment.

Nor has the Speaker adverted to the difference between establishing a road and a post road. The State might make a road, while the act of Congress made the post road, which distinction Mr. T. further illustrated by examples. If any doubt, said he, exists on this subject, the sense in which the word has been invariably used by the Legislature, from the origin of the Government, ought to be considered as the correct one; and our statute book is filled with instances of post roads that have been *established*, though no roads have been *made*. But, again, Mr. Chairman, the word *establish* has not a stronger signification than the words *abolish* or *discontinue*, which are used in contradistinction to it; and yet, when we speak of discontinuing a post road, no one considers it as stopping up, or even discontinuing, the road itself, but merely as depriving it of the property of being the channel of conveyance for the mail, which the law had imparted to it; and, in like manner, to establish a post road is nothing more than to give to a road the same property.

Mr. T. said that, in expounding the Constitution, he had made it a rule, ever since he had had a seat on that floor, to avoid refinements of construction as much as possible, and to understand the language as it was used by persons of plain common sense; and this for two reasons—one was, that its wise framers no doubt intended that the words of an instrument which was made in the name of the people, and meant to act on the people, should be taken in their popular signification; and another was, because, on all controverted questions about the Constitution, the people, from whom all power is derived, must be, at their elections, if no where else, its final arbiters and expounders. Let us then apply this rule of construction. What are the words that would have been probably used if the Constitution had meant to give the power contended for? These would have been *make* or *construct*, and not establish; and let me ask, if one was to inquire who established a particular post road, would the inquiry be understood to apply to the construction of the road itself, or to the property or quality which the law had imparted to it? Would any one think of the spades and shovels by which the road was made, or merely of the Legislature which had converted it into a mail route?

But again, Mr. Chairman, said Mr. T., the power of constructing roads, insisted on by the advocates of this bill, is a much greater power than that of making them the channels of conveying the mail. It is greater in the cost of executing it, and greater in its bearings and consequences. A gentleman from Pennsylvania (Mr. STEWART) has told us, that the expense of transporting the mail on the Cumberland road was formerly sixty dollars per mile, (now reduced to thirty,) but the cost of constructing it has been, I believe, upwards of ten thousand per mile, the interest of which is ten times the cost of transporting the mail. Now, supposing the words to be ambiguous in their meaning, is it reasonable to construe them to give the larger power, when the smaller will satisfy the words, and when the framers of the Constitution could so easily have used the unequivocal language of making or constructing roads, if it had been their intention to give such power?

Mr. T. then remarked, that perhaps he had said more than was necessary to show that this clause did not specifically give the power to construct roads, as nearly all the gentlemen who had followed the Speaker had virtually given up this point by deriving the power from some other part of the Constitution. But some, who could not persuade themselves it could be found in the right to establish post roads, think that it may be found in that clause which gives all powers that are necessary and proper for carrying the specific powers into execution; and that the power to construct roads is a necessary power to give effect to the power of establishing post roads, in the limited sense in which we understand it. But, said Mr. T., the Constitution was made for men and things as they are, not as they possibly might be. It did not mean to provide for extreme and highly improbable cases, and I entirely concur with the Speaker, that it is unfair to test the Constitution by remote possibilities. Those who framed it knew that wherever there were people there were roads; that these must, necessarily, go hand in hand with settlement and population; that their own convenience, their necessities, would compel them to make roads to their ordinary markets, their courthouses, their places of worship. Sir, our whole territory is intersected with roads, and there is not, perhaps, a square of three miles in the United States, having a population of ten persons on it, in which there is not a road sufficient for the transportation of the mail. Nothing, then, can be more unnecessary than such a power in Congress; and when we remember with what a cautious and jealous spirit power was doled out to the General Government by the States, it may fairly be presumed that, if they had imagined the case in which the General Government had wanted a road in opposition to the wishes of the State through which it was to pass, they would not have granted the power. Sir, no questions excite more interest, or are litigated with more warmth, than disputes about roads. In Virginia, contests concerning them are often carried on through all the courts from the highest to the lowest; and the question is not there, as it commonly is in more thickly settled countries, who shall have a road near him, but who shall get rid of it, because it often imposes on the landholder the burden of additional fencing. When they found that the exercise of a jurisdiction by their own courts excited so much heart-burning and contention among the people, it is one of the last powers they would have surrendered to a Government that was new, and in a manner foreign to them. Sir, in such extreme cases as have been supposed to show the necessity of this power, we must always rely on the discretion and good sense of those on whom the Constitution was intended to operate, and it was no more necessary to provide for them on this subject, than it was to provide for compelling the States to choose Senators or Electors. They will do so for their own sakes, and the moment a law for that purpose becomes necessary, it ceases to have operation, and the Government becomes dissolved. Against these remote contingencies, the good sense and good feelings of the people are the only security.

But, it has been said, that, if Congress do not possess the power of making roads, a State may obstruct the mail when it pleases. But, can any thing be more improbable than the supposition that the people will deny themselves the convenience and benefits of the mail, of hearing from distant friends, of corresponding on business, of gratifying their curiosity, for the mere purpose of thwarting the General Government? Sir, in the times of the most violent party spirit, in the hottest opposition that the Government has ever experienced, no one, not even the Hartford Convention, would have purposely given any obstructions to the mail. They were all anxious to get the news; and it is absurd (if so indecorous an expression may be allowed) to suppose that men are to act against their most natural feelings and their plainest interests. If, however, there should be occasional instances of wilful obstruction, the law may act on the individual, and that affords sufficient security to the interests of the General Government.

Mr. T. said it was unnecessary to take up further time on this clause; he would, however, before he dismissed it, make a single remark in reply to the gentleman from New York, (Mr. Storrs,) who had supported the Speaker's construction of this clause. In one particular, said T., I agree with him. If, to *establish*, means to *create*, I admit that he has established the principle he insists on; for, it is not to be found in the Constitution. But this is a sense in which I believe few will concur with us.

Mr. T. now adverted to the power of regulating commerce, from which the gentleman from Delaware, (Mr. McLane,) derived the power of constructing roads, and said, that he should not attempt to answer the ingenious arguments of that gentleman, both because he had not found leisure to investigate this branch of the subject, and because he anticipated a full and satisfactory answer to it, from one of his colleagues, who would follow him in the debate. He would, however, remark, that, if that gentleman had trusted less to political abstractions and technical distinctions about the different species of power, and consulted the good sense for which he is so distinguished, he would have been conducted to very different conclusions. He had given an extent of signification to the word "regulate," which was justified neither by the import of the word itself, by the history of the Constitution, nor by other parts of that instrument.

Mr. T. said he would call the attention of the gentleman from Delaware, to a clause that had not been adverted to in debate, and would appeal to his candor, whether it did not present a serious difficulty to his construction of the Constitution. That gentleman derives the right to make roads, from the right to regulate the internal commerce between the States, by land as well as by water; but a clause in the 9th section of the 1st article, prohibits Congress from making any discrimination in favor of the ports of one State, over those of another. And it is fair to presume, that they might have given such preference, but for the prohibition. Now, if the gentleman from Delaware is right, that we have the right of regulating internal commerce between the States, it follows, that Congress may make unjust discrimination in the interior of the country, which they are restrained from making at the ports. There can be no reason for this distinction. The States meant to secure to themselves perfect equality, on this delicate and important subject. But, to what purpose forbid discrimination at the ports, if it could be made on roads and canals? The only answer that can be given is, that the commerce on the latter was never contemplated, and the coasting trade was all that was intended by the trade between the States. The gentleman from Delaware also said, that if Congress, under its express power to regulate commerce among the States, had not also the power to facilitate it, by making roads and canals, it would be in the power of any State to obstruct the trade between other States, which passed through it; but there was sufficient protection against this mischief, in that clause of the Constitution which secures to the citizens of one State the privileges of every other, taken along with that regard which every State may be expected to have to its interests. The evil was too remote and improbable, to have made the power contended for, necessary, or to furnish any argument for its existence.

As to the power of Congress to make war, to raise and support armies, Mr. T. said, he could not see how that could be made to give the power to adopt a system of internal improvement. It is true, it may be occasionally necessary to make a road or canal to a fort or an arsenal, but in this case, the road or canal is a mere appendage to the military work. It is, in fact, a part of the work itself. Yet that circumstance can no more give a power to make roads or canals over the whole Union, than to extend any other operation which the Government may find it convenient to carry on within the limits of their exclusive jurisdiction. Such a power cannot be necessary to the exercise of the military power, as we have raised and supported armies in two wars, without making roads and canals; nor has any nation in Europe found the direct exercise of this power, though it is indubitably possessed, essential to its military operations, except in the way that it has been exercised here during the temporary exigencies of war.

But, Mr. Chairman, said Mr. T., if we had this power, there seems to me to be strong reasons why we should not exercise it. And I would ask the further patience of the Committee, while I offer some objections to the bill which seem to me to deserve their serious consideration. It is very clear, that, if we engage in a general system of internal improvement, it will bring with it an extensive exercise of internal legislation. Large sums of money must be drawn from the people, and again expended in the construction of roads and canals. It must take a good deal, also, to keep them in repair, as every rain that falls, and every frost does them more or less of injury. The construction and superintendence of these public works will require a long train of officers; for it is conceded that the United States are, themselves, to conduct roads and canals, and not by the agency of incorporated companies—and you can act only by means of delegated power. There must also be new tribunals erected to enforce the numerous contracts which the system implies, and to punish the injuries to which the works will be exposed, as the State courts refuse to exercise jurisdiction under your laws. All this apparatus must occasion a prodigious accession to the power and influence of the General Government, and especially to the Executive branch of it. Mr. Chairman, our system of Government is admirably adapted to our circumstances. No other could secure the blessings of civil liberty to so extensive a territory, with such diversified interests. But it is evident that its preservation depends upon some very delicate circumstances, which are necessary to maintain the just equilibrium between the power of the General Government and that of the States. It is a problem yet to be solved, to which of the two opposite dangers, of consolidation and disunion, we are most exposed. I know that some of the most patriotic and far-sighted men in the nation have differed on this question. In forming our opinion on it, we can draw no lights from history, and have to rely solely on our own powers of reflection and sagacity. But whatever may have been the relative strength of the two powers at the adoption of the Constitution, there is an obvious cause for the continual increase in the power of the General Government to be found in the multiplication of the States. As the number of these increases, the relative weight of each proportionally diminishes. Thus Virginia, when the General Government first went into operation, was about one-sixth of the Union, now she is not more than one-tenth. Virginia and Maryland together have not more relative weight than Virginia had alone. But it is clear that the same power, divided between two States, cannot act with the same effect as when it is united in one; and that they are not likely to act as efficiently in opposing the measures of the General Government, either by means of their Representatives, or by operating on public opinion. Even if we suppose them actuated by the same views, and co-operating in the same course of opposition, still the jealousies and dissensions of allies are proverbial, and are founded in the strongest principles of our nature. And whether the object of the General Government be to pass a sedition law, to repeal a judiciary law, to incorporate a bank, or to adopt a system of roads and canals, the opposition which the States may be disposed to make to these measures, as unconstitutional, must be weakened by dividing among the several States the powers which had been previously possessed by one. In that case, the causes of dissension may be as strong as the motives to union. It is thus, Mr. Chairman, as it seems to me, that the power of the General Government is continually increasing.

But perhaps it may be said that this effect of the addition of new States was foreseen, and taken into account by the framers of the Constitution. But this could not have been the case. When the Constitution was adopted, the Mississippi was our boundary, and the acquisition of that extensive and fertile country west of it, which is to have so much effect in altering the relative weight of any one State, was at that time never dreamt of. Mr. T. here remarked, that New York presented a case directly opposite to that of Virginia. She had once but one-tenth of the political power of the Union., and she now has one-sixth. But the last census shows that this increase, in her relative strength, cannot go on. It has received little accession in the last ten years, as 28 members on this floor bear nearly the same proportion to 185, as her present number 34 bears to 213; and I may venture to predict that in ten years more, or, if not in ten, in twenty, as the vast and fertile valley of the Mississippi fills up with the numbers it is one day destined to support, her proportionate weight in the Union will begin to diminish, though her actual numbers may go on increasing. My colleague, said Mr. T., who has just sat down, has adverted to the opposition made to the General Government during the late war—and this furnishes me with another illustration. Sir, if the State of Maine had been then separated from Massachusetts, it can scarcely be doubted that her weight, instead of being added to the opposition, would have been thrown into the scale of the General Government. She would have operated as an antagonist power to her parent State, and rendered her efforts harmless.

Nor is this all. The relative powers between the Representative and the Executive branches of this Government are of little less importance than that between the General and the State Governments. The appointment of so many officers, and the establishment of so many courts, as a general system of internal improvement supposes, must make a very great addition to the power and patronage of the Executive, and materially affect that equipoise which the Constitution intended. Nothing would be more likely to affect the independence of this House, than the circumstance that every member had in his district from fifty to an hundred persons holding lucrative offices, at the pleasure of the President, who would be always ready to oppose him when he opposed the Executive. Sir, said Mr. T., to judge of this influence, let us look into the history of the National Legislature, and without wishing to be understood as alluding to the present time, or to any individuals, I will venture to say, that the most complaisant supporters of the present Administration will be found to have come from the seaports, where there are collectors and tide-waiters and others, holding offices at the pleasure of the Executive. There will no doubt be found exceptions, but such is the general rule; and if this has been the effect already, what will it be when the President of the United States shall be the Chief Magistrate of fifty or an hundred millions of people? The lustre of the office of President increases, not in proportion to the increase of patronage, but in a much higher ratio. It is with this, as with the diamond—double the quantity may give ten times the value. When the accessions of power and dignity to the Executive of the United States must necessarily be so great, and when they have such an imposing effect on the minds of men, ought we not to be very cautious how we increase them?

But, said Mr. T., gentlemen seem to have taken it for granted, that the General Government is more able to effect internal improvements than the several States. But I think the proposed system as unwise on the score of national economy, as it is mischievous in its political tendency. The power of the General Government to improve the whole Union is not greater than that of each State to improve its own territory. Sir, if this system is adopted, the money drawn from the community appropriated to its execution, will be fairly distributed among the several States, or it will not. If we suppose unfairly, that will be a fruitful cause of jealousy and discontent, and furnishes a sufficient objection to the measure. But, if it is to be distributed in just proportion, there can be no advantage to the several States, for the whole can be but equal to all its parts. Thus, if you expend half a million in the State of Virginia, which you had previously drawn from the people of Virginia, wherein is she a gainer by the operation? Nor can the General Government procure that minute and accurate local information which is required by the system, as easily as the States. But, Mr. Chairman, said Mr. T., I consider any plan of making roads and canals by the direct agency of the Government, as unwise. It takes away the best security against rash and unprofitable schemes of improvement. The sagacity of individual self-interest, is essential to guard against the waste of the national capital. There are several monuments of this danger in Europe. If my memory does not deceive me, one is afforded by Spain, and another in the north of Europe, in which, after the respective Governments had expended millions in attempting some improvement of navigation, the works were found to be useless. Nor let it be supposed that we are exempt from a similar danger. We may all remember that, after two or three hundred thousand dollars were expended in fortifying the battery of New York, it was discovered that the work was of no value as a national defence, and we gave it back to the State, without being able to get paid for the value of the materials. Such an error as this was less likely to have been committed by a State, and still less by an individual. If we engage in this magnificent scheme of internal improvement, must we not always be liable to be deceived and misled, when our local knowledge in our extensive country, must be so imperfect, and when so many will be interested in making misrepresentations? Sir, let it be known that the twenty millions, which was the sum recommended by Mr. Gallatin, are provided for internal improvement, and, my life for it, this city will swarm with hundreds of projectors, with their maps and plans, beautifully illuminated, electioneering for business; and as they would succeed according to their address, and means of conciliating favor, the result would be, that we should have roads without travellers, and canals without navigation, and perhaps without water.

Sir, said Mr. T., gentlemen may object that New York has furnished an example that a Government is not unfit to execute these great undertakings. It is true that New York has achieved a splendid work at her own expense—but he was not sure that a private company would not have executed it at a less cost. Sir, said Mr. T., I wish not to undervalue the merit to which New York is entitled for her great Western Canal. I thank her for furnishing so conclusive a proof that this bill is unnecessary; but let not gentlemen from that State be startled if I yet express a doubt whether that great work was not premature; I know that it is of prodigious benefit to those who live near it; but still, it be may questioned, whether it was precisely the most advantageous mode in which the capital of the State could be expended. The cost of the canal has been, I understand, about six millions, the annual interest on which is three hundred thousand dollars. Now, I believe, the amount of tolls last year, was but one hundred thousand dollars, from which are to be deducted the cost of management and repairs, leaving, probably, little more than an interest of about one and a half per cent.

And this, Mr. Chairman, said Mr. T., brings me to notice the remark of the gentleman who introduced this bill, (Mr. HEMPHILL,) who, aware of the objections that would arise from the small profit offered by some of the projected canals, said, that a canal may be profitable to the community, though it may not be so to the stockholders. This proposition is sometimes true, but it must be received with much allowance and caution. It is true, where tolls are not as great as the saving in the labor of transportation would justify. But, wherever this saving of labor is not sufficient to yield a profit as well to those who make the canal as to those who use it, we may safely pronounce that a country is not ripe for it.

Great stress was laid by the gentleman from Pennsylvania, on the canals of England. But, Mr. T. said, he thought their example might have furnished that gentleman with a stronger argument against the policy of the system he recommended, than in its favor. It is not enough for him to rely on the superior cheapness of water over land carriage. Sir, the construction of a canal may be a good or a bad thing, according to circumstances. It is very advantageous in a rich and thickly settled country to exchange the surplus products of the different parts, and to relieve their reciprocal wants; but in a country that is poor, and thinly settled, and passing through barren mountains, in which there is nothing to exchange, it would be a mere waste of the national capital. Of the four thousand miles of canal of which England can boast, and the eighty or an hundred thousand miles of road, if she has so many, I believe I am warranted in saying, not one mile was ever made by the Government. Their turnpike roads and canals are always made by joint stock companies, and whenever one would be really beneficial, individual capital and enterprise are always found ready to engage in the undertaking. And can it be supposed, if the system now proposed was a good one, that that Government, which so well understands its interests, especially its commercial interests, would not have discovered its advantages?

It may, however, be objected that, from the redundancy of private wealth and capital, in that country, their system of making roads and canals, by incorporated companies, is easy and proper, while here, from the scarcity of capital, it is impracticable. But, so long, Mr. Chairman, as your Government can borrow money at five per cent., and your bank stocks yield an annual profit of but six or seven per cent., there will be no difficulty in finding men ready to undertake any road or canal that will yield something like the same interest. It is to no purpose to say that the natural interest of money is higher in this country than it is in England—for, be that natural interest what it may, whether you suppose it six, eight, or ten per cent., if your road or canal do not afford that profit, it shows that the country is not ripe for that undertaking, and that the money required to execute it, will find some more profitable employment, if left in the hands of the people. Let, however, any road or canal be proposed, whose profit will repay the cost, according to the standard of the country; and, be assured, sir, there will be no difficulty in procuring the money to execute it.

The advocates for the system of internal improvement insist that the Constitutional power of the States is not sufficient to execute those great works, in which the interests of several States, or perhaps of the whole nation, are involved. But there is no difficulty on this subject, whether the proposed road or canal passes through one State or many. It has been repeatedly stated, in the course of the debate, that two or more States cannot enter into a compact, but the prohibition in the Constitution extends only to treaties. The 2d clause of the 10th section 1st article of the Constitution expressly recognises their right to make compacts with the consent of Congress, and it can hardly be supposed, that if they wished to enter into a compact for the purpose of making a canal, Congress would refuse its consent. But, if you were to refuse, they may act independently of you. They can effect their object by concurrent acts of their own Legislatures. On this subject, I do not speak from speculation, but from actual history. The State of which I am a Representative, united with the State of North

Carolina to improve the navigation of the Roanoke, and by concurrent Legislative acts, without asking your consent, they incorporated a joint stock company, which has lately accomplished its objects. The States of Maryland and Virginia have in the same manner united in making the Potomac Canal.

Mr. T. said that, before he sat down, he would call the attention of the Committee to the celebrated report of Mr. Gallatin, on which some of the advocates of this bill had so much relied. It would appear that the power which they now deem so clear, it was then taken for granted, Congress did not possess, (and here he read a passage from the report.) He thought this ought to produce in their minds some doubts whether they really possessed this power. But, if we had the power, and no dangers were to be apprehended to the just equilibrium which ought to exist among the different branches of our complex system of Government, still the example of England onght to teach us that the proposed plan of making roads and canals is not a wise one. He had much more to say, but he had already trespassed too long on the patience of the Committee. He hoped the Committee might be induced to take some of his suggestions into consideration; and he begged them to remember that our legislation at the present time went far to give to our Government its future character; that this nation was, as yet, comparatively in its infancy, and "as the twig is bent the tree's inclined."

Mr. Rives followed Mr. Tucker on the same side; and, having made some progress in his speech, gave way at 4 o'clock for a motion to rise, when the Committee obtained leave to sit again.

Wednesday, February 4.

Mr. McCoy, from the Committee of Claims, made a report on the petition of Joshua Bennett, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Vinton, from the Committee on the Public Lands, to which was referred, on the 12th ultimo, the memorial of the Legislature of the Territory of Arkansas, made a report thereon, accompanied by a bill concerning pre-emption rights in the Territory of Arkansas; which bill was read twice, and committed to a Committee of the Whole.

The Speaker laid before the House a letter from the Secretary of War, transmitting statements of all contracts made by the War Department in the year 1823; which were ordered to lie on the table.

The Speaker also laid before the House a communication from the Secretary of the Treasury, accompanying a statement exhibiting the duties accruing on merchandise imported, and drawback payable on merchandise exported, during the years 1820, 1821, and 1822; which was also laid on the table.

The resolution yesterday offered by Mr. Cocke, (calling for certain information respecting the Pea Patch,) was called up, and adopted.

On motion of Mr. Newton, the bill for issuing a register to the brig William, of New York, was taken up.

Mr. N. read the report on which the bill was founded.

Mr. Foot, of Connecticut, called for the reading of the documents.

[This vessel had a British register, was stranded, got off, again sunk, was raised, and brought into the port of New York, and there underwent such repairs as made her virtually a new vessel; and by the British navigation laws had, in consequence, forfeited her register.]

A conversation arose on this subject, in which Messrs. Newton and Cambreleng advocated, and Messrs. Foot, Cocke, and McLane, opposed the passage of the bill to a third reading; and, on motion of Mr. McLane, it was laid on the table.

SURVEYS FOR ROADS AND CANALS.

The House then again went into Committee of the Whole, on the bill making provision for surveys, &c., on roads and canals.

Mr. Rives said if the importance of any question can give it a claim to attention, none is more worthy of profound consideration than the one now under discussion. It is, in the first place, a question of Constitutional right, involving the true interpretation of that instrument, from which we derive our existence as an independent member of the Government, and to which we are bound, by the highest obligations, to conform to our legislative conduct. But this, although the most important aspect which any subject can assume, under a limited Constitution, is not the only interest which belongs to the present question. Its decision must have a pervading influence upon the future policy of the country. If that decision should be in favor of the power contended for by the advocates of the bill, it will become the foundation of a system of legislation which I cannot regard otherwise than as inauspicious to the liberties and dangerous to the best interests of the nation. Under these impressions, incompetent as I am to do justice to the subject, or in any degree to match the ability which has been so conspicuously exhibited in its discussion, I am yet urged by a sense of duty to contribute the small mite of my humble exertions in defence of what I deem the cause of the Constitution, and the principles of sound policy. I am aware, Mr. Chairman, that, in investigations of this sort, general reasonings from the spirit of the Constitution are not absolutely conclusive. The ultimate inquiry must be, what the framers of the Constitution have done, as evidenced by the instrument itself, rather than what they intended to do. But if we can ascertain what was the leading intention by which they were guided, in organizing the powers of the Government, a strong presumption arises that they have done nothing inconsistent with that intention. What, then, permit me to ask, was the cardinal principle which directed the Convention in the execution of their great work? It was this: to transfer to the care of the General Government those objects only in which all the States have a common interest, leaving those in which the States have separate and peculiar interests to be provided for by their own domestic governments; and this rule applies alike to every species of federal power, whether it be external or municipal. In pursuance of this principle, the General Government was charged with the question of peace or war, the regulation of commerce, the conduct of negotiations, and the various other objects connected with our foreign relations. In these all the States have but one interest, and that, emphatically, a national interest. So, likewise, with regard to that class of powers granted to Congress, which operate internally, such as the powers to establish uniform laws on the subject of bankruptcy, to organize a federal judiciary, to establish a common standard of weights and measures, and to regulate the national currency. All the States stand precisely in the same relation to these powers, and are affected in the same manner, by the exercise of them, in their social and civil transactions. But this is not, and cannot be the case with internal improvements. They affect parts, and not the whole, of the Confederacy. They are, from a physical necessity, local in their situation, and local in their influence and their benefits. Take the most extended object of internal improvement, the projected road, for example, from Maine to New Orleans, or, if you please, the navigation of the waters of the Mississippi, in which the honorable Speaker has said twelve States and two Territories are interested, still, comprehensive and important as these schemes of improvement undoubtedly are, they are limited, in their advantages, to particular States, and the rest of the Union has no interest in them. They are, therefore, not such objects of common interest to all the States, as the Constitution intended to transfer to the General Government.

But here we are met by the argument of the honorable Speaker, that there is an intermediate class of objects, affecting more than one State, and yet not extending to all the States, which require the united means of a Confederacy to execute them, and the only Confederacy which can now legitimately exist for such a purpose, is that of the Union; because the Constitution prohibits one State from entering into compacts or agreements with another State. The honorable gentleman will excuse me for saying that this argument is founded on a mistake of the actual provisions of the Constitution. The Constitution does not prohibit compacts between the States, but merely restrains the States from entering into such compacts, without the consent of Congress. The consent of Congress is required, as a necessary check to prevent the States from forming combinations hostile to the Union, or dangerous to its peace and safety; but where any number of the States desire to enter into arrangements with each other, for the accomplishment of some beneficial object, in which they have a common interest, it never could have been supposed or intended that the consent of Congress would be withheld. The States, in such cases, are still left at liberty to unite their resources, by entering into compacts with each other, subject only to the reasonable control of Congress; and this privilege was no doubt reserved to them with an express view to the very class of objects now in question, which concern two or more members of the Confederacy, but yet do not possess such a character of universal national interest as to bring them within the legitimate sphere of the government of the whole.

The honorable Speaker, in the course of his argument, laid down a position, which he seemed to consider entirely decisive of the present question. Adverting to the distinction between the Articles of Confederation and our present Constitution, and remarking that, under the former, the General Government, in its most important functions, operated upon the States, and, under the latter, that it acts directly upon the individuals who compose those States, he deduced, as a general principle, that the Government of the Union, as now organized, is wholly independent of the States for the execution of any of its powers. So far is this from being correct, in the broad extent assumed by the honorable Speaker, that I have always supposed directly the contrary: that the General Government is dependent upon the States for the execution of all its powers, for it cannot exist, without the concurrence of the States. Are not your Senators, who compose the other branch of the Legislative Department of this Government, elected by the Legislatures of the States? Is not your Executive Magistrate chosen, also, by the agency, and under the direction, of the State Legislatures?

[Here Mr. Clay explained. He said he never contended that, if a majority of the States withheld their co-operation, the General Government might not be dissolved; but, his principle was, when the General Government is once organized, and moves by its own inherent energy, and acts independently of State power.]

Mr. Rives said, he had not the pleasure of hearing the speech of the honorable gentleman. He had only read the report of it given in the newspapers, and he thought that the principle to which he had referred, as stated in that report, required some qualification. But, even as now qualified, by the explanations of the Speaker, he was not prepared to give his assent to it. I understand the honorable Speaker, said Mr. R., now to say, that, although the General Government does depend upon the States for its existence, yet, in the ordinary and regular exercise of its vested powers, it is wholly independent of the aid and co-operation of the State governments. I have always entertained, said Mr. R., a different opinion of our political system, and for that opinion I supposed I had the sanction of high authority. The authors of "The Federalist," in various passages of their celebrated work, speak of the State governments as incorporated into the system of the General Government, as auxiliary to its operations, and indeed as indispensable to its maintenance. In one passage, they say emphatically, if the General Government should ever arbitrarily abolish the

State governments, it would be compelled, by the principle of self-preservation, to reinstate them—implying, as it seems to me, in the strongest manner, the dependence of the General Government upon the aid and co-operation of the State governments. But let us examine this subject more minutely, in reference to some of the powers of the General Government. In the exercise of its military power, which has been so much talked of in the course of this discussion, is there not a partial dependence, at least, of the General Government upon the State governments? The Constitution gives to Congress the power to "provide for organizing, arming, and disciplining the militia;" and "for calling them forth to execute the laws of the Union, to suppress insurrections, and to repel invasions;" but expressly reserves to the States "the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." Here, then, we find the General Government made dependent upon the States for the efficient exercise of a vital power, connected with the peace and safety of the nation; for, what is your militia without officers and without training? So, likewise, in relation to another power of Congress, which has been the subject of much commentary, in the course of this debate—I allude to the subject of fortifications, arsenals, &c. Amid the various constructions which have been put upon the clause of the Constitution relating to this subject, all have agreed that the exclusive jurisdiction it gives over the sites of these works, cannot be exercised without the consent of the Legislatures of the States in which they are located. Here, then, we have another example of the dependence of the General Government upon the State governments, in a point belonging to one of its highest trusts, the care of the "common defence." Whether, therefore, I look to the general aim and scope of the Constitution, or to its particular provisions, I cannot acquiesce in the principle assumed by the honorable Speaker. The application of this principle to the subject of the present discussion, has not been clearly developed, but I presume it is this: If roads and canals are necessary to the legitimate operations of the General Government, that Government, being wholly independent of any extrinsic aid in the prosecution of its lawful objects, may make roads and canals for itself, whenever, and wherever it chooses. I shall hereafter endeavor to show, that, although roads and canals may be essential to some of the purposes of the General Government, yet, they are such facilities as would naturally arise in the progress of society, under the care of the State governments, and that there was, therefore, no necessity to invest the General Government with authority to create them. Any construction which loses sight of the existence of the State governments, and of the important purposes they were intended to fulfil, in reference to the affairs of the Union, as well as the interests of the respective States, is incompatible with the nature of our political system, and necessarily leads us into error.

There were some other general principles laid down in the course of this discussion, the bearing and application of which, to the question under consideration, I could not very distinctly discern. I notice them, therefore, only for the purpose of entering my protest against them. An honorable gentleman from New York (Mr. Storrs) asserted that the General Government was a municipal, or in other words a *National Government*, as contradistinguished from a *Federal* Government. I would ask that gentleman who were the parties to the formation of this Government? Were they the people of the United States, as composing one entire nation, or as divided into distinct political communities? Unquestionably the latter. It required, too, for its establishment, not the consent of a majority of the people, merely, but the unanimous ratification of all the States who became parties to it. In the mode provided for its amendment, also, the concurrence of three-fourths of the States is necessary to any alteration of its principles, without regard to individual members. These circumstances unequivocally characterize it as a *Federal* Government.

In another important relation, the only one involved in the discussion—the extent of its powers—it is decidedly federal and not national. The authority to which the honorable gentleman has appealed, on another branch of the subject, (the Federalist) says, it is of the essence of a national Government to possess a supreme indefinite power over all persons and things, so far as they are the objects of lawful government. But the power of this Government is, by universal acknowledgment, defined, and limited to special objects. By what process, then, has such a Government, distinguished by so many federal features, been converted into a national Government? By a series of refined deductions, which, considering the gentleman's aversion to political metaphysics, does infinite credit to his genius and perspicacity.

Having disposed of these preliminary topics, I come now to consider the particular sources in the Constitution from which the alleged power of Congress to make roads and canals has been deduced. The first of these sources is that clause of the Constitution which gives to Congress the power to "*establish* post offices and post roads," which, it is contended, is an express grant of the power to make post roads. Whatever contempt, therefore, gentlemen may have for philological disquisitions, or however little they may seem to befit the dignity of legislative discussion, we are necessarily driven to inquire into the true meaning of the word *establish*. The honorable Speaker has defined it thus, "to make firm, to fix, to build." I agree with that gentleman in the first part of his definition, but I am unable to follow him in the bound by which he has skipped from "to make firm, to fix," to the last interpretation, "to build," which seems to me to depart very widely from the other meanings ascribed to the word. The original and literal import of the word is, unquestionably, to render stable, or "make firm;" and, by an easy transition in its application to new objects, it has come to signify generally to fix, to settle, to ascertain. Let us apply it in this sense, which is sanctioned by the Speaker's definition, to the subject of post roads. There exists in the country a great variety of roads, passing in different directions, and communicating with different points. It is impossible, in the nature of things, that all of them should be used as post roads. The Constitution, therefore, gives to Congress the power to *establish*, or, according to the terms of the foregoing definition, to fix, to settle, to ascertain, which of them should be used as post roads, and to give them a legal character as such. But the honorable Speaker contends, that the word "establish" implies something more, and is used in a creative sense; for examples of which he refers to the expressions "establish justice," and "ordain and establish this Constitution," used in the preamble of that instrument. These examples do not appear to me to be very apposite to the purpose for which they are cited. It has been very properly said, that the preamble of the Constitution, in stating it to be one of the objects of the new Government "to establish justice," could not have meant that justice was to be created by it. Such an use of the term would be little less than sacrilegious. Justice is an abstract principle, an emanation of the divine mind, always and every where existing. All that the Constitution could accomplish, was to embody it, to organize tribunals and prescribe forms for its administration, and thus establish, or fix it, on sure and permanent foundations.

The honorable Speaker, however, contends, that in one sense, we do create justice—we create, he says, the criminal justice of the country, because we create the crimes, which are prohibited and punished by our laws. But in what sense do we create a crime? We do not create the fact which constitutes the crime, we only create the legal character which is imposed upon that fact.

[Here Mr. CLAY explained. He said there was a distinction between acts which are *mala in se*, and those which are *mala prohibita*. As to the latter, they are wrong, only because the Legislature has made them so, and in relation to them, therefore, the law creates the crime.]

Mr. RIVES said, this view of the subject was not affected by the explanation of the honorable gentleman. As to that class of public wrongs which are called *mala prohibita*, it is true they are in themselves indifferent, and become crimes only because the Legislature makes them so. But what does this prove? It proves only that the Legislature creates the legal character or denomination of the fact prohibited, by making that unlawful which was before lawful; but the Legislature does not create the fact itself, to which this new character or denomination is given. That exists independently, and in spite of the law. This is not only consistent with, but corroborates one explanation of the word "establish," as applied to post roads. Congress, by establishing a post road, gives a new character, a legal attribute to the subject, making that a post road which was before not a post road; but, in the legitimate exercise of this authority, it can no more create the physical, material road, to which the new character is given, than in the case of a crime it creates the external fact to which a penalty is annexed. The same explanation is equally applicable to the expression, "We the people, in order, &c., do ordain and establish this Constitution." The people certainly did not create the Constitution, in the sense in which it is contended that the word "establish" gives to Congress authority to create post roads. The instrument already existed. It had come from the hands of the Convention perfect in all its dimensions, and was submitted to the people for ratification. All that the people did was to establish it, by giving it the sanction of their approbation, and investing it with a legal and binding character. The same kind of authority is conceded to Congress without hesitation in regard to the establishment of post roads.

But we are told, triumphantly, that the word establish must mean the same thing, in relation to post roads, that it does in relation to post offices, and that, as to post offices, it certainly means to *create*, because Congress, in *establishing* a post office at a particular place, makes a post office which did not exist before. But what is the nature of this creation? Congress declare that a post office shall be kept at a *place* where there was no post office before. In doing so, it certainly does not create the *place* at which the post office is established, but gives to that place a privilege and accommodation which it did not possess before. So, Congress, in *establishing* a post road, according to what we deem the true interpretation of this power, makes that a post road which was not a post road before, or, in other words, gives to a pre-existing road a character and attribute which did not previously belong to it. The post road is as much created, if gentlemen will insist upon this *divine* prerogative in the one case, as the post office in the other, and the creation, I will add, no more extends to the road itself, which is the channel of the post route, in the one case, than it does to the place which is the scene of the post office, in the other.

The examples relied upon to support the interpretation which gentlemen have given of the word "establish," seem to me, therefore, to fall very far short of their object. On the contrary, they are not only consistent with, but furnish apt illustrations of, the sense in which we contend it is properly to be understood. The word, in its primitive and most simple sense, means to render stable or make firm, and is strictly applicable to natural objects. But it is now more generally applied to intellectual objects, and when so applied, is of course, used in a figurative sense. Natural objects are established or made firm by means of external support; and, by an obvious analogy, matters of civil and political regulation are said to be established or made firm when we give to them the support and sanction of law. In this sense, the word is uniformly used in the Constitution, and all similar instruments, with such modifications only as necessarily arise from the nature of the subject to which it was applied. It was intended, as gentlemen allege, to give to Congress the power to *make* post roads, why was not that power granted in terms which every person would have understood, and about which there could be no controversy? Was the *poverty* of the language so great, or were the framers of the Constitution so *deficient* in their knowledge of it, as to have supplied no word fitted to convey the idea? When we speak of the *erection* of a house, we do not say that such a one has *established* a house, but that he has *built* it. If it had been intended to give to Congress the power now claimed for it, why did not the framers of the Constitution say, in so many words, that Congress shall have power to *make and construct* post roads? These words were at hand, and were well adapted to the purpose of conveying such a power. That they, or other words of plainly equivalent meaning, were not used, is evidence that the power they import was not intended to be given.

It was not necessary to the nature and object of this grant that Congress should possess the power to *make* post roads. The object of the grant was the conveyance of the mail, and the transmission of intelligence through the country. It never could have been contemplated that intelligence should be transmitted to an unsettled country, where there were no persons to receive it. But, as soon as a country becomes settled, roads necessarily exist. The great interests of society, the operations of commerce, and the convenience of private intercourse, necessarily give rise to them; and as the population and demands for intelligence increase, the facilities of communication increase also. The same roads which answer the ordinary purposes of society, would certainly suffice for the simple object of transporting the mail. It never could have been intended, in reference to such an object, to confer upon Congress the disproportionate power of opening and constructing roads through the territories of the States. Whether, therefore, I look to the language of the Constitution, or to the policy of its provisions, in relation to this subject, I am alike constrained to discard the construction which claims for Congress the power in question, under the clause we have been considering.

The next source which the advocates of the bill have appealed to for the authority to execute a system of internal improvements, is, the military power of the Government. The authority claimed under this part of the Constitution extends to canals as well as roads. It is not, however, like the authority asserted in relation to post roads, claimed as an express power, but only as an incidental power, or means of carrying another power into effect. The first inquiry which presents itself, therefore, is, as to the true nature and extent of incidental powers. It must never be forgotten that this Government is one of limited and defined powers. However ready gentlemen are to admit this proposition, when their assent is distinctly challenged to it, they seem habitually to lose sight of it in their reasonings upon Constitutional questions. All the powers granted to the Government are enumerated in the Constitution; but, as it was impossible to foresee every individual act of legislation which might become necessary to carry these powers into effect, Congress is in general authorized to do any act which shall be "necessary and proper" for carrying the granted powers into execution, but none other. If we depart from this limit, we at once change the character of the Government, as possessing special and defined powers only, and convert it into one of general discretionary authority. Whenever any measure is proposed, therefore, the first question to be asked is, Is the authority to adopt it expressly granted in the Constitution? If it be not, the next question is, Is it a necessary and proper means of carrying into execution any power which is expressly granted? If it is not pretended that the authority to make roads and canals for military purposes is expressly granted to Congress, is it, then, a necessary and proper means for carrying into execution the military powers which are granted? I will not deny that roads and canals are useful, or, if you please, necessary, to the military operations of the Government. But this is not the question. The real point of inquiry is, Is it necessary to the military operations of the Government that Congress should possess the power to make them? Roads and canals would exist from the influence of other causes, without invoking the agency of Congress. They are, as already suggested, the natural and invariable accompaniments of population, in every country. The wants and enterprise of individuals, the common interests of society, and the paternal care of the State governments, which are more particularly charged with the domestic police of the country, would bring them into existence. The same causes would insure their multiplication and improvement. As the country improved in wealth and population, the means of communication would improve with it. The members of the Convention, as men ordinarily conversant, at least, with human affairs, must have foreseen this natural course of things, and could not have deemed it necessary to give to Congress the power of creating channels of communication, which would certainly grow out of the wants of society and the beneficent superintendence of the State governments. All that was necessary, was to give to the General Government the right of using these highways, in prosecuting its military and other lawful operations, and this right is conceded to it in the fullest extent. Will any gentleman deny that food and clothing are as necessary for the subsistence of the soldier as roads for him to march upon? And yet, it will not be contended that Congress has authority to condemn and occupy large portions of the territory of the States for farms to produce the one, or factories to supply the other. Why? Because the natural wants of society furnish the best security that these articles will be produced, and render it unnecessary to invest the Government with any authority for the purpose. But it is said that, in the defence of the country, and the military operations connected with it, other and better channels of communication would be required than those already existing under the authority of the States. Let us pause, and see to what extent this idea would carry us. We have an extensive frontier, and are exposed to attack on every side of it. On the Atlantic coast we are exposed to the hostilities of any European Power, and, through the whole extent of our inland frontier, we are liable to the incursions of our British, Spanish, and Indian neighbors. If we undertake a system of roads and canals with a view to facilitate the operations of war, as it is uncertain in what quarter we shall be assailed, we must extend them to every point of our frontier. The whole face of our territory would thus be covered with military roads and canals. Is not this a solecism in legislation? Military roads and canals, which would be used for civil and commercial purposes more than a thousand times for once that they would be applied to military purposes! Whether they would ever be used, indeed, for military purposes, would depend upon remote and dubious contingencies, the occurrence of which no man could foresee.

But, leaving this view of the subject, and returning to the principles first laid down, as to the just extent of the incidental powers of the Government, I ask if it be possible to justify the measure proposed by the application of those principles? A *national* system of roads and canals, under the exclusive patronage of Congress, cannot, in any sense of the term, be said to be necessary to the making and prosecuting of war. Wars have been made and prosecuted, and successfully prosecuted, without any such system. All that can be said of it is, that it might have a tendency to give greater effect and increased energy to the exertion of the national force in time of war. But, if the power to declare war authorizes Congress to do every thing which may have a tendency to add to the strength and resources of the nation, in a military point of view, then there is nothing connected with the "general welfare" which Congress may not do; for, whatever advances the interests of learning, of manufactures, of agriculture, of commerce, or in any manner promotes the internal prosperity of the country, certainly has a tendency to increase its strength, in a conflict with a foreign enemy. A principle of construction, leading to such consequences, cannot be maintained. The honorable Speaker expressed his acquiescence in the principles asserted by Virginia in 1798. Those principles were embalmed and immortalized in the celebrated report of Mr. Madison, which has been mentioned in the course of this debate. The principles contained in that report do not derive their sanction from the great name alone with which they are associated. They received a still higher sanction—that of the American people. For, it was the potent influence of these very principles which wrought, by the voice of the people, that change of men and measures, in the administration of the Government, which has been emphatically styled the civil revolution of 1801. If any writings, therefore, can be fairly appealed to as authority in Constitutional discussions, it is this report. [Here Mr. R. read extracts from "Madison's report."] The simple criterion, then, is this: the measure sought to be adopted, as incidental to an express power, must have an "immediate and appropriate relation to that power, as a means necessary and proper for carrying it into execution. "A tendency, merely, in the measure to promote an object for which Congress is authorized to provide," does not justify its adoption. Now, does not all that has been said, and can be said, in favor of a national system of roads and canals, amount to this—that they would have a tendency to promote or facilitate the operations of war—not that they have an immediate and appropriate relation to the power of making war—as means necessary and proper for carrying that power into execution. One of my colleagues (Mr. J. S. BARBOUR) adverted to this rule for the deduction of incidental powers, and seemed to think it too rigid, because, he said, it excludes a choice of means. Sir, it does not exclude a choice of means; it only limits that choice. And permit me to say that, in order to preserve the true character of this Government, it is as necessary to limit the means of executing its powers as to limit the powers themselves; for, in the language of the distinguished authority which I have just quoted, "it is wholly 'immaterial whether unlimited powers be exer'cised in the name of unlimited powers, or in the 'name of unlimited means of carrying limited 'powers into execution."

But, we have been gravely told that roads and canals are fortifications. Why, sir, a lively imagination and an ardent zeal may convert any thing into fortifications. It may be said, with as much justice, and as little violence of metaphor, that the hearts of our people are fortifications; for, after all, the moral energies of a nation are as important to its defence as physical works of any sort. As a part, then, of this system of military defence, we must establish schools and colleges, to imbue the minds of our youth with the love of liberty, a knowledge of the principles of our free institutions, and a loyal and patriotic devotion to their country! In like manner, the granaries of the farmer are fortifications—the workshops of the mechanic are fortifications—for they furnish the indispensable means of subsistence to the troops who are to defend you. Thus, by the magic influence of language, Congress, in the exercise of its military functions, may invest itself with a general and unlimited patronage of all the great interests of society—its education, its agriculture, its industry.

It has been triumphantly asked if Congress can erect forts and dock yards, may they not make roads to go into them? Unquestionably, the right to erect these works, necessarily implies the right of way, by which a communication is to be had with them. If there be no road leading to them, the Government may render its right of way effectual, by opening a road for the purpose of communication. But what is the road in this case? It is strictly an appurtenance to the fort or dock yard, and is confined to the purpose of communication with it. It is a thing wholly distinct from a system of internal improvements, having no actual connexion with any military work, nor bearing any peculiar and appropriate relation to military operations. There can be no doubt that the

General Government has a right of passage through the territory of the States for any of its lawful purposes, and it may, therefore, in time of war, open a military road, when it is necessary to the accomplishment of any particular military movement. In such a case, it has a right to a passage; and there can be no passage without a road. But the road is then made and used, *pro hac vice* only, and as soon as the passage is effected, all property in, or jurisdiction over it, ceases and dies. The right strictly commences and terminates with the occasion of its increase. This case, therefore, affords no countenance to the claim of a general power to execute and maintain a permanent system of internal improvements, in reference to future and remote contingencies, which may never occur. In the view which I have taken of this subject, I have not found it material to inquire into the right which has been claimed for the General Government of possessing itself of the soil of the States, when it is necessary to the execution of any of its powers. It is admitted by all that it cannot do so, except in cases where it is necessary to the execution of some of its powers. In each particular case, therefore, the question recurs, is the proposed occupation of the soil of the States necessary to the execution of any of the powers of the Government. My object has been to show that the occupation of it, for the purpose of making roads and canals, is not necessary to the execution of the military power of the Government, and cannot be justified by any sound doctrines of Constitutional law.

The only remaining ground worthy of particular consideration, upon which the authority of this Government to make roads and canals has been asserted, is that portion of the Constitution which gives to Congress the power "to regulate commerce among the several States." The honorable gentleman from Delaware (Mr. McLane) seemed to treat this as a question of *incidental* power; but it is strictly and exclusively a question of *express* power. The whole controversy depends upon the true import of the word *regulate*. If to *regulate* means to *promote* or to *facilitate*, then the power to make roads and canals, as an ordinary and natural mode of facilitating or promoting commerce, seems to be clearly comprehended in the terms of the grant. If, however, *to regulate* means *to make rules*, (as it certainly does, in the plain and common use of the word,) then it gives to Congress no other power than that of making the rules or prescribing the terms upon which commerce among the States shall be conducted—that is, the power of making commercial regulations, as applicable to the reciprocal trade of the States. But, would any person call roads and canals *commercial regulations?* The whole question, then, might be safely left to an unsophisticated common-sense interpretation of the language of the Constitution. But, as the argument of the gentleman from Delaware was certainly an original and ingenious one, I beg leave to analyze and examine it more particularly. The outline of the argument was this—that the object of granting to Congress the power of regulating commerce among the States was not, as had been supposed, to prevent one State from laying burdens on the productions of another State passing through its jurisdiction, (that object being adequately provided for by another clause of the Constitution,) but to prevent a greater mischief—absolute prohibitions of the passage—which, if they should occur, it would be competent for Congress under this power to remove. That, if Congress can remove legal restraints upon the trade of the States, it can remove physical obstructions; and if it can remove physical obstructions to the trade of the States, it can create new channels for it. However nicely concatenated this chain of deductions seems to be, I shall endeavor to show that some of its links are too feebly connected to sustain the conclusion which depends upon it. The gentleman's first position is, that the power to regulate commerce among the States was not given to Congress to prevent one State from imposing duties on the productions of another passing through its jurisdiction; because, if this were the only object, the power would be nugatory—another clause of the Constitution having expressly restrained the States from laying duties on imports or exports. In relation to this position, I will only remark that the honorable gentleman seems to have mistaken the purpose for which the passage in the *Federalist* upon this subject was read by my able colleague (Mr. P. P. Barbour) who opened this discussion. That purpose was not to show, nor does the authority cited import, that the only object of the power in question was to prevent the States from imposing duties on the productions of each other passing through their respective jurisdictions. It was mentioned merely as *one* of the objects of the power. A further object undoubtedly was (as the gentleman himself has satisfactorily shown) to prevent arbitrary interruptions of the trade of the States, arising from acts of positive prohibition and other similar impediments. But the gentleman is not satisfied even with this extension of the power. He says that a power of such apparent magnitude could not have been intended to be passive—a monument of its own insignificance—and that, if it extends to removing no other obstacles than such as may be interposed by adverse and unfriendly legislation of the States, it becomes utterly passive. Why, sir, it is in this respect like many other powers granted by the Constitution. The powers to "repel invasions and to "suppress insurrections" are passive, until the other proper occasions occur to bring them into action. And the honorable gentleman will permit me to remind him that this very horror of passive authority acting upon one of the powers just mentioned, was the parent of the Sedition law. The reasoning was this—the power to "*suppress* insurrections" implies the power to *prevent* them; and the power to prevent them implies the power to *punish* whatever may tend or lead to them. Libels upon the Government tend or lead to insurrections; therefore Congress may pass a sedition law for the punishment of libels.

The system of reasoning now employed to justify the exercise of power contemplated by this bill, is equally, and indeed, to my mind, much more forced and arbitrary, in its chain of inferences. What is it? The power to regulate commerce among the States authorizes Congress to remove legislative restraints, imposed by one State upon the trade of another, passing through its jurisdiction. The power to remove legislative restraints, implies the power to remove natural obstructions; and a power to remove natural obstructions, implies a power to give artificial facilities; or, in other words, to make roads and canals. But, is it true, that the power to remove legislative restraints implies the power to remove natural obstructions, and to give artificial facilities? The one aims only to protect commerce in its actual channels: the other seeks to open additional channels for commerce. The object of the former is merely to secure the free use of existing highways; the effort of the latter, is to create and construct new highways. These things are, in their natures, so essentially distinct, that an inference from one to the other, is wholly arbitrary and inadmissible. But the honorable gentleman from Delaware need not be afraid that this power will remain passive, unless it is exerted in giving artificial facilities to trade. It has already been exerted, and copiously exerted, in the various and minute regulations connected with the coasting trade, and this was probably the chief, if not the only, employment of it, contemplated by the framers of the Constitution.

The gentleman read a passage from *Vattel*, for the purpose of proving the connexion between good roads and canals, and the welfare of trade. But nothing is gained by this position, which is very readily admitted, until it is also proved that Congress has a general power to promote the welfare of trade. The application of this authority, therefore, proceeds upon an assumption of the very point in dispute. A similar defect exists in the argument which claims for the General Government the same authority to make roads and canals between these States, that the government of each State has to make roads and canals within its own limits. The State governments have, undoubtedly, the right to make roads and canals within their respective limits; but from what does this right result? From the general discretionary power which the State governments possess, to provide for the public welfare. Before the argument can be sustained, then, it must be shown that the General Government possesses a like discretionary power, to provide for the public welfare. The State governments do not make roads and canals by virtue of a specific power to regulate commerce among the several portions of the same State. If they possessed no other power than this, it would not be competent for them to make roads and canals.

Much reliance has been placed, by the gentleman from Delaware, as well as other gentlemen who have participated in this discussion, upon what is said to have been the practical construction of the power to "regulate foreign commerce." It is contended that Congress possesses the same power in relation to "commerce among the several States," that it does in relation to "foreign commerce;" and that, as, under the power of regulating foreign commerce, it has erected lighthouses, beacons, buoys, &c., with a view to give safety and facility to that commerce, it may, under the power of "regulating commerce among the States," construct roads and canals, to give safety and facility to the internal trade of the country. I beg leave to ask those gentlemen, by what authority they refer the erection of the lighthouses, beacons, &c., to the power to regulate foreign commerce? There is no evidence upon the face of the laws themselves, which were passed for their erection, that Congress legislated under the idea that they derived the right to erect them from the power to regulate foreign commerce. There is collateral evidence, however, that they legislated with reference to another clause of the Constitution. It was mentioned by my colleague, who opened this discussion, (Mr. P. P. BARBOUR,) that the statute book contained a list of cessions made by the several States, of the sites for these buildings. The only cases in which the Constitution requires the previous consent of the States to the alienation of territory, are those relating to the Seat of Government, and all such places as may be acquired for the "erection of forts, dock yards, &c., and other needful buildings." It would seem, therefore, from the formal cessions made by the States, of sites for lighthouses, &c., that Congress legislated with reference to this part of the Constitution. Another explanation has been suggested, by an honorable gentleman from New York, (Mr. WOOD,) who refers the erection of these buildings to the power to lay and collect duties. The duties laid, accrue only upon the arrival in our ports of the goods and vessels charged with them. Whatever, therefore, gives security and facility to an entrance into our ports, has an immediate relation to this branch of the public revenue. I have mentioned these explanations only for the purpose of showing that the erection of lighthouses, beacons, &c., can be accounted for, and have been accounted for, plausibly at least, without referring them to the power of regulating foreign commerce. It is not necessary for me to decide under what clause of the Constitution these buildings were erected. I will only say, that both of the explanations just mentioned are as satisfactory to my mind, as the one which refers them to the power of regulating foreign commerce. Gentlemen have taken it for granted, without offering to prove, that they were erected under this clause of the Constitution, for the sake, I presume, of the precedent it would afford them, in the interpretation of the power to regulate commerce among the States. I beg leave, however, to say, that, whatever may have been the construction of the Constitution under which these lighthouses were built, or any other act that has been done by preceding Congresses, I cannot regard such construction as legitimate and conclusive evidence of the true meaning of the Constitution, and binding upon ourselves and our successors. The gentleman from Delaware said it was a great error to consider the authority to make roads and canals as a distinct, instead of a subsidiary power. If any power, from its magnitude and extent, ought to be regarded as a distinct and independent power, it is this. The Congress has granted, by distinct clauses, several other powers which might, with much more propriety, have been regarded as subsidiary powers, and left to implication. What would seem more naturally to appertain to the regulation of commerce among the States than the power of coining money, the very instrument of commerce, of fixing its value, of establishing a common standard of weights and measures, uniform laws on the subject of bankruptcy, and post offices and post roads? Yet, all these powers are the subjects of express and distinct grants! What could more properly be considered as incidental to the power of declaring war than to raise and support armies, provide and maintain a navy, make rules for the government of the land and naval forces? And yet it was thought necessary to give these and other similar powers by direct and explicit declarations in the Constitution! It will not be said that roads and canals bear a more direct and immediate relation to the military and commercial powers of the Government, or are of less dignity and importance in their character, than many of the powers just enumerated. Why, then, I will ask the gentleman from Delaware, if the power to make them was intended to be given, was it not, in like manner, distinctly granted?

In inquiries of this sort, Mr. Chairman, the opinions of no man, however illustrious by his virtue or his wisdom, ought to preclude the exercise of our own deliberate judgments. There is, however, a degree of respect which all acknowledge to be due to the opinions of the distinguished men who either participated in the formation of our Government, or have since borne a conspicuous part in its administration. It is known to the Committee that three successive Presidents of the United States have felt it their duty to announce to Congress, in the most solemn form, their settled conviction that this Government does not possess the power now in question. I will not, however, insist upon their testimony, because they are Virginians, and we have abundant evidence that Virginia politics have gone out of favor. There is an authority, however, which I will quote, and the weight of which I feel myself entitled to press upon this Committee. It is that of Alexander Hamilton. His opinions upon this subject are of peculiar value, not only because he was a member of the Convention which framed the Constitution, and one of the authors of the celebrated commentary upon its principles, but because he is known to have indulged a strong bias in favor of the powers of the General Government, and to have adopted the most liberal doctrines in their interpretation. Yet, even Mr. Hamilton, with all his leaning towards Federal authority, could find no warrant in the Constitution for the power to make roads and canals. In his report on manufactures, after speaking of the importance of roads and canals to the prosperity of manufactures, and mentioning several reasons why it is desirable that the General Government should possesss the authority to make them, he concludes by saying, these circumstances "render it a wish of patriotism" that the General Government "were at liberty to pursue and promote the general interest" by adopting a national system of internal improvements. Here, then, we have an unequivocal admission that the General Government is not now "at liberty" to adopt this system—an admission the more precious, because it is evidently made with great reluctance.

In answer to a remark made by one of my colleagues, (Mr. Archer,) that, at the adoption of the Constitution, no allusion was made to the existence of such a power as is now claimed, a gentleman from New York (Mr. Storrs) mentioned an amendment to the Constitution which was proposed by a Mr. Jones in the convention of that State, the substance of which was, that the power to establish post roads should not be construed to extend to the making, laying out, and repairing of roads, in the several States, without their consent. This amendment cannot be fairly considered even as evidence of Mr. Jones's opinion, that Congress possessed the power to make roads under the clause of the Constitution referred to. All that it proves is, that Mr. Jones apprehended that this clause might hereafter be construed to give to Congress the power to make roads, and that he wished, in such an event, to render its exercise as innocent as possible, by requiring the previous consent of the States in which the roads should be laid out. The very first of the actual amendments to the Constitution declares that "Congress shall make no law restraining the free exercise of religion, abridging the freedom of speech, or of the press, or the right of petitioning." Is it to be inferred from this amendment that, without it, Congress could lawfully have done the things inhibited by it? I presume not. The truth is, that this and several other amendments arose from a spirit of jealous caution, and an apprehension of future encroachment from the General Government, and furnish no evidence of the opinions entertained of the real extent of the powers granted.

But, whatever may have been the opinion of Mr. Jones, I may be permitted to oppose to it the authority of Patrick Henry, who, in the debates of the Virginia convention, after depicting in the most glowing colors what he deemed the vast powers of the General Government, and the dangers of consolidation, concluded by saying, "all that is left to the States is, to take care of the poor, make and repair highways, erect bridges," &c. Even this jealous guardian of State rights, who descried the remotest dangers which threatened the safety of our republican institutions, and "snuffed the approach of tyranny in every tainted breeze," even he, while he believed that every other power was swallowed up by the General Government, was satisfied that this portion of sovereignty, at least, was left entire to the States. And, if he could have foreseen the attempt which is now made to appropriate to the General Government this portion of State sovereignty, none would have alarmed him more, for none is more directly calculated to lead to consolidation. It is a power which comes home to the business and bosoms of the people; it approaches their fire-sides, and touches their most intimate domestic interests. If the inhabitants of the States, instead of looking to their governments at home, are to look to the General Government, (as they certainly will, if this system should be adopted,) for the ordinary facilities of travelling and transportation, then the State governments become useless machines, and are not worth the expense of maintaining. You supersede them in the exercise of their most appropriate functions, and dissolve the strongest tie which connects them with the people of the States. What, then, becomes of the boasted equilibrium of our system, which has always been regarded as the best preservative of our liberties? It is gone; it is doubly gone. You destroy it, not only by taking away, in effect, an important power from the State governments, but by delivering the same power, with an increased mass of patronage and of influence, into the hands of the General Government.

When Mr. RIVES had concluded—

Mr. BUCKNER, of Kentucky, said, that, in requesting the indulgence of the Committee, he very much feared that he should be considered as guilty of a most unseasonable and improper intrusion. He knew that the subject had excited great interest throughout every part of the Union, and had been investigated long since, by some of the most able and enlightened statesmen of the country; and, among others, by our present venerable Chief Magistrate, whose opinions must at all times be considered as entitled to the very highest respect, whether we regard that sincerity of heart, and devotion to the interests of his country, which have so uniformly marked his course, or that fund of useful practical information and powers of strong logical argument which have gained for him the eminent and dignified stand which he now occupies. Nor, sir, continued he, shall I forget, that, within a few days past, this subject has been most ably and elaborately discussed. It would, therefore, be vanity in him to suppose that he could cast upon it any great additional light. The disposition, however, so evidently displayed by the Committee, to listen to all that could be urged, for or against a system of internal improvement by this Government, (to which the present bill was to be considered but as a preparatory step,) had encouraged him to offer the few remarks he was about to submit. In doing it, he was satisfied that he had nothing to depend upon to insure attention, but their kindness and complaisance. Mr. B. said he should vote for the passage of the bill, because he did not feel any doubts as to the constitutionality of the measure, and, from a conviction that the most salutary consequences would result from it, to the Union. A most gloomy and terrific picture of its effects had been drawn by several gentlemen opposed to the bill. They would induce us to believe that it will be an usurpation of power, on the part of the General Government, by which State sovereignty is to be destroyed, and the fabric of liberty made to totter to its very centre. An honorable gentleman from Vermont (Mr. MALLARY) has represented this Government as commencing the attack upon the State which he has the honor in part to represent; and under the fair pretence of regulating and facilitating commerce between the States, and providing the means of diffusing political information, a road or a canal is made. No other State would feel sufficient interest to interfere in the matter, and poor Vermont, unaided and alone, falls an easy victim in this most unequal contest. Some adjoining State next feels the grasp of tyranny and usurpation; and thus the States, one by one, share the same fate. But is not all this mere fancy? How, in the name of common sense, said Mr. B., can the making of a fine road or canal in a State, over which, when made, the General Government will not attempt the exercise of an exclusive legislation, operate to the injury of such State, or in the least impair its sovereignty? If, sir, this Government shall ever so far lose sight of its true principles, as to aim at the downfall of State rights, it will not commence the perpetration of so wicked and nefarious a design, by exhausting its funds in improving, beautifying, and strengthening the States. The powers, which are indisputably conferred on it, to lay and collect taxes, without limitation, to raise and support armies, to provide and maintain a navy, &c., are the means which would be resorted to; and against the abuse of which powers, the intelligence and patriotism of our citizens, and the responsibility of every officer of the Government, either mediately or immediately, to the people, form the only sure and effectual protection.

Such, sir, continued Mr. B., are the advantages which would, in my estimation, result to the United States, by the adoption and judicious execution of a system of internal improvement, by this Government, that, before its expediency was questioned by those who stand opposed to the passage of this bill, I had supposed the argument would have turned exclusively on the Constitutional question involved in it. The President, in the objections which he made to the passage of a bill on a former occasion, embracing the same point, not only acknowledges the propriety of such a measure, (if, constitutionally, it could be executed,) but warmly recommends such an amendment of the Constitution, as would clearly confer the necessary power. But it has been insisted that each State could attend, with more convenience, to the construction of such improvements as might be necessary, than the General Government; because they would be more immediately under the inspection of such State. Whether, however, they be made by a State or by this Government, it is evident that the construction of them would be superintended by agents employed for that purpose; or that they would be made by individuals, under contract, with the Government. It would, therefore, be as convenient to the one as to the other. But if ever this Government shall attempt such a course, it was said that partiality was to be displayed. Such a conclusion, however, is deducible only from that want of integrity and vigilance in those to whom the management of the public concerns may be confided, which cannot reasonably be presumed; and ought not, therefore, to be indulged in. The argument relied upon to prove the inexpediency of the measure, in which it was insisted that an interference by this Government would very much diminish, if not entirely take away, all inducements on the part of each State to incur much trouble or expense in making roads and canals, appears to be entitled to rather more consideration. But it is evident that no projects of the kind, except those of great national importance, ought or would be undertaken by it; and as to them, from the want of concert and unanimity of purpose between the States through whose territory the road or canal might be conducted, as well as from the further consideration that it might not be the interest of any one State to undertake them, we cannot hope to see much effected through the public spirit of any one or more States. Take, for example, the great Cumberland road—would it ever have been undertaken or completed by the States through which it passes? And yet who would deny its great and almost unlimited importance to the Union? It stands a proud monument of national industry and the patriotic enterprise of its projectors. He needed not, however, consume time by considering separately all the objections which had been urged against a system of internal improvement. Its advantages were too obvious to require such a course. It would give an additional impulse to, and open new sources of, commerce between the States, (a consideration, in his opinion, far more important than our foreign commerce;) it would furnish strong incentives to industry, and would save great labor and expense to our citizens in carrying their produce from one part of the country to another. The facilities, also, which it would afford to the United States, in marching our armies, in transporting to points where they may be wanted, provisions, arms, and all the munitions of war, could not be too highly appreciated. But in no point of view, said he, would it be more important, than in the happy effect it would produce in extending and encouraging a familiar intercourse between our citizens. An honorable gentleman from Virginia (Mr. S.) has told us, that "he entertains no fears upon the 'subject; that no man could make him believe 'that the rejection of this bill, or the refusal to 'exercise the power now claimed, is to separate 'these States, or alienate the affections of the 'West from the Union."

No, sir, said Mr. B., as a representative of a certain portion of that brave and patriotic people, I should be sorely mortified, could it with propriety be insinuated, that such a measure was particularly necessary for the West; or that they felt less devotion to the interests and prosperity of their Government, than the people of any other section of the United States. He meant not vainly to boast of either their valor or their patriotism. Let their conduct during the last war, and on all occasions when an opportunity has offered for a display of those noble virtues, bear testimony in their favor. It affords a more unerring test of their worth than idle eulogiums, which are often pronounced when least deserved. But, sir, continued he, since the observations of that gentleman have authorized a reply, he would assure him that the Western people shrank not from a comparison with any, however ardent their zeal for the public cause may be, or however meritorious were their public services. They are devoted to their Government, as securing to them all the blessings of freemen, and are willing and ready, at all times when necessary, to risk their property and their lives in support of that liberty which they regard as the richest legacy bequeathed to them by their ancestors—that liberty before whose altar they had been taught from their very infancy, to bow as with an idolatrous reverence. But the measure proposed, it is believed, cannot fail to have a salutary effect on all. We have an extensive territory, which, from time to time, is getting to be still more extensive, and with it our population is spreading. Our Government, although the best, no doubt, that any people on earth were ever blessed with, is still the result of human wisdom, and, therefore, not perfect. With all its excellencies, its warmest and most enthusiastic admirers would not insist that energy and promptness of action are its distinguishing characteristics. There appeared, to be sure, at this particular time, to be but little necessity of forming additional ligaments by which to unite us; all appear to be actuated by one common purpose. He would not even say that there had been a period since the establishment of this Government when strong symptoms of an approaching storm had appeared. It would not, perhaps, be proper to recur to any particular occasion of the kind as a topic of public discussion. If at any time our political horizon had been darkened by such a cloud, happily it had been long since dissipated, and the sunshine of harmony and good feeling again warmed and illumined every part of this great and flourishing Republic.

But, let it be recollected, said Mr. B., that we are as yet in the youthful vigor of of our republican principles. Our domestic situation may not always present a prospect so pleasing. We cannot claim an entire exemption from some portion of that combustible matter which was to be found, to a greater or less extent, in the bosom of every Government that ever existed, or ever will exist, until human nature shall be changed—until angry passions shall no longer swell the human breast—nor a sleepless ambition disturb its repose. As wise legislators, then, let us take every step in our power to perpetuate the Union, which had produced a rapidity of growth in national prosperity and importance of which the history of mankind furnishes no parallel; which, with the representative principle, has made our Government the admiration of the wise of every country, if not the dread of tyrants throughout the world. A separation of the States is an evil not only more probable, but even more to be deprecated than a consolidation of power; and if ever the predictions of our downfall by the enemies of Republics shall be realized, it is to be the result of a separation produced by sectional feelings and jealousies. But, whatever may be the advantages of the proposed measure, it is insisted that the Constitution confers no power on Congress to interfere in it. If gentlemen be correct in that view of the subject, so let it rest, until, by an amendment, all doubt may be removed; for no blessing should be considered as otherwise than dearly purchased by a wilful violation of that sacred instrument. Believing, however, that the necessary power had been clearly conferred, he would concisely give his views on that subject.

Permit me, however, said Mr. B., before I enter into a particular examination of the clause by which the power is either expressly given, or from which it is clearly deducible, to answer some remarks made as to the nature of our Government, and the powers intended to be conferred on it. It was insisted, that those matters only were intended to be confided to the care of this Government, in which all the States were equally interested; and, assuming that position as correct, it was further urged, that a road or a canal, in a particular State, could not be equally interesting and beneficial to every part of the United States. No view, however, could be more obviously incorrect. The regulation of foreign commerce is expressly delegated to Congress—so is also the power to provide and maintain a navy. In these matters, every part of the Union is interested; but are they all equally interested? Are there not States whose safety is less dependent on the protection afforded by a navy, than others which lie exposed on the seacoast? Are there not States whose situation and internal resources render them less dependent than others, upon the aid of foreign commerce? Other matters, in which all are equally interested, have been left to the direction of the States respectively. In the administration of justice, for instance, all feel an equal interest. It is as important to the people of Kentucky, that their statute of descents should be bottomed upon correct principles, as it is to the people of Virginia; yet each State is left to exercise an uncontrolled discretion over that subject within its own territory. I do not know, said Mr. B., that any certain rule could be laid down by which to judge of the intention of the framers of the Constitution, respecting the power granted. It was necessary to confer so much as would be sufficient to provide for the common defence and general welfare; and they appear to have been, in most cases, cautious not to leave to the control of the States, such matters as would most probably have been managed by each State with an eye to its own aggrandizement, regardless of the interest of others—as, for example, foreign commerce, and commerce among the States. Under the Articles of Confederation, previous to the adoption of our Constitution, various regulations concerning commerce were made by different States, founded upon dissimilar views of the subject, and regardless of the interests of any other State, except that adopting the regulations, which proved injurious to all; and hence the clause in the ninth section of the first article: "No preference shall 'be given by any regulation of commerce or rev'enue, to the ports of one State over those of ano'ther," &c. And here, sir, said Mr. B., let me remark, that the observations already made, as to the inequality of interests of different States, in the protection and extension of foreign commerce, and as to a navy, furnish a satisfactory answer to the argument relied on, that, as the Constitution provides that "all duties, imposts, and excises, shall be uniform throughout the United States," and that no capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration directed to be taken, therefore no appropriation of money could be made, to the construction of a road or a canal, in one State, which would not afford equal advantages to all. Indeed, few, if any, appropriations are made, which operate with perfect equality on every section. A certain degree of liberality and magnanimity of temper must be observed, on such occasions, or it is in vain that we have associated for the purposes of common defence and general welfare. It has also been insisted, that all municipal power was intended to be reserved to the States respectively, and that, as the power to make a road or a canal is of that character, therefore it was not intended to be granted. The conclusion is correct, if the premises be so; but here, again, the fallacy of the argument results from the error of the position assumed. But the true question here is, not by what name the power granted should be called, but has the power been granted? It is immaterial whether we call it a national, a federal, or a municipal power; whether it was conferred by the States as such, or by the people of the United States, as a nation. In either case, it was granted by those who had a right to do so. If, however, it were necessary to show that power, strictly municipal, has been conferred on Congress, I would only ask, said Mr. B., what is meant by municipal power; and then turn to the eighth section of the first article of the Constitution. The obligation of national law cannot be traced to legislative enactment. It depends upon the principles of natural justice, and has been adopted by the consent of nations. Municipal or civil law is a rule of conduct prescribed by a people for the government of themselves. "*Civile jus est quod quisque populus sibi constituit.*"

I proceed now, said Mr. B., to the examination of the clause of the Constitution, which gives to Congress the power to regulate commerce with foreign nations, and among the several States, &c. What is meant by the regulation of commerce? Does it consist in prescribing rules concerning it, without the power to enforce those rules? Or, was it intended to give to Congress its entire management and direction? It is said that this power was given "to prevent undue advantages being 'taken of those States which were less favorably 'situated than others, by the laying of exactions 'on the passage of their products to a market." Suppose, then, that a State should lay and attempt to enforce such exactions, could not the General Government interpose its authority and remedy the evil? Its power in such cases could not be denied. If a State should attempt to prevent the citizens of any other State from a free passage with their produce, through the territory of such State, by placing obstacles in the way, as by closing the only direct or convenient road, would any one deny the propriety of the interference of the General Government? If, then, Congress has the power, so far to regulate commerce between the States as to provide for the removal of such obstacles, upon the same reasoning it must be admitted that it has the power to cause natural obstructions to be removed by opening a necessary road and canal. The citizens of some States would be in a most unpleasant predicament, if any other State had the right to refuse to them permission to pass through its territory with their produce. If it cannot prevent them by exactions, so neither can it by clearing a road, or by refusing to open one, or to permit it to be opened.

But this, say gentlemen, is a limited Government, and especially in its powers of appropriation. Be it so. But if we have a right to appropriate money under this clause, for the purpose of protecting and extending foreign commerce, we have the same right to aid, in the same way, commerce among the several States. From the very commencement of this Government to the present period, has Congress claimed and exercised the right to appropriate large sums of money to facilitate and extend foreign commerce, by the erection of not only lighthouses, &c., which are within State limits, but also for other conveniences, such as buoys, marine canals, &c. Now, although the exercise of such a power does not prove that it has been rightfully exercised, yet I must insist, that the construction thus given to the Constitution, which has been persevered in for such a series of years, which has never been complained of by any, and which has proven to be practically beneficial, ought to be considered as conclusive. Indeed, all who oppose this measure, acknowledge the correctness of such appropriations for foreign commerce, when made under the eighth section of the first article, or when made beyond the limits of a State. If, then, this be a limited Government, in its powers of appropriation, and cannot direct one cent to be expended for the effectuation of any object, which the Constitution does not recognise as correct, and money has been rightfully expended to facilitate foreign commerce, it follows, of course, that the Constitution authorizes the appropriation of money for the same purposes, and to the same extent, in relation to the encouragement of commerce among the States, for the power is granted as to each kind of commerce, in the same clause, and by the same words, "to regulate." The rules of construction, as to all grants, are the same. If, by deed, two tracts of land were conveyed to the same individual, in the same clause and words, it would be a strange construction of such deed to say, that as to one tract, an estate in fee simple passed; but, as to the other, an estate for life only, or for years. The gentlemen from Virginia (Mr. P. P. Barbour) thinks that the analogy from the general power to the particular act, is not as strong in the one case as the other. He furnished us, however, with no reasons, I believe, for the opinion. The necessity, as well as propriety of extending aid to commerce among the States, is surely as great as it is to foreign commerce. Having then shown that Congress has constitutionally the right to appropriate money for the regulation of domestic commerce, let us consider how far they may do so, for the construction of such improvements as may be necessary for that purpose, within the limits of a State. Who can complain of the General Government for procuring property in the different States, upon which to make those improvements to regulate commerce among them? The States. Who granted the power to appropriate money for that purpose? I answer, the States. Is it, then, consistent with good reasoning, to argue, that they conferred upon Congress a right to lay out the public money to regulate commerce among them; and yet, that they intended to withhold from it the means of pursuing that course, which, of all others, is the best calculated to effectuate the great object of the grant?

But, it is said, that the General Government cannot exercise exclusive legislation over any place which it may purchase in any State, unless, under the eighth section of the said article, the purchase shall be made, with the consent of the State in which it shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings. This is not denied. But is there not an obvious difference between procuring property by purchase—holding it, too, under the laws of the State in which it may be, and the exercise of exclusive legislation over it? Such a power over forts, magazines, &c., in the bosom of a State, contrary to its consent, was thought, perhaps, to be dangerous and unnecessary. But what authority was that clause intended to convey? A right to purchase? Certainly not; but to exercise exclusive legislation over the property when purchased with the consent of the States. This clause, so far from proving that the Government cannot purchase property to effectuate Constitutional objects, appears evidently to be predicated upon the previous right to purchase. Express authority is given to lay and collect duties and imposts. To effectuate the collection of imposts, custom-houses are necessary. But is it true that the Government shall not, by contract for the rent of a suitable house, or by purchase, (which would be the same in principle, for, if it can rent, it can purchase,) avail itself of that convenience? When a grant of power is made, all that is necessary to the complete effectuation of the object contemplated passes by implication. And, if this were not a sound rule of construction, (which, however, none will deny,) by the last clause of the section alluded to, authority is expressly given to Congress "to make all laws which shall be necessary for carrying into execution all powers vested by the Constitution in the Government of the United States." And, sir, the Government is not dependent, as has been stated, upon the will of a State, or even States, to carry into effect the power vested in it by the Constitution. It has been said, to prove its dependence, "that a State might refuse to elect Senators." To be sure, it might refuse, and the Senators might refuse to discharge the duties incumbent on them after they came here. The President might refuse to sign any bill passed by Congress, or to return it with his objections. The people of the State may refuse to elect Representatives, and, indeed, might rise in rebellion against it; but would not all these omissions be a violation of duty, and of the Constitution? Surely, no sound argument of the lack of Constitutional authority on the part of this Government is deducible from the physical power on the part of a State or States to resist that authority.

But how, it is asked, continued Mr. B., shall the Government get such property as may be necessary, unless the owners choose to sell it? How, I ask in reply, shall provisions for the support of our armies be obtained, if the owners should be unwilling to sell them at a fair price? The reply is obvious. They must be taken. No authority is expressly given to do so; nor is any expressly given to quarter soldiers in the houses of our citizens in time of war; but the authority to do each is clearly implied; for it is declared that "no soldier shall, 'in time of peace be quartered in any house without the consent of the owner, or, in time of war, 'but in a manner to be prescribed by law." "Nor shall private property be taken for public use, without just compensation." The argument which has been relied upon, that we should violate every rule of justice and morality in being the valuers of the property taken by us, is entirely untenable. When a State deems it expedient to make a road, if it is to pass through the land of one of its citizens, a writ of *ad quod damnum* issues, and, by the verdict of a jury empannelled for that purpose, the value of the ground is ascertained. The same may be done by this Government, for it may pass all laws necessary and proper to execute the powers confided to it. Such a measure would, however, never be necessary on the part of the General Government. Property can always be purchased, to make such improvements as would be undertaken by it; and, indeed, it should give even more than the value of the property, rather than resort to an exercise of its ultimate power, in such cases. The danger which appears to have been apprehended from such a step is altogether imaginary. It might, to be sure, be perverted to very improper purposes, and so might every power granted. Without even literally violating the Constitution, taxation might be extended beyond endurance, and amount to absolute tyranny; yet the safety of the United States required that no limitation should be affixed to the grant of the power, as it was impossible to foresee the particular point beyond which it should not be extended. Government can no more exist without power than society can exist without laws.

But, said Mr. B., the power to make roads has been clearly given by the clause as to the establishment of post offices and post roads—upon which he intended to make but very few remarks, as it had been fully commented on by others. Many nice definitions had been given of the meaning of the word "establish." It is never used, said a gentleman, when any thing is to be performed which requires physical force. He gave us various illustrations of the ideas which he wished to convey on that point, and so very fine and hair-spun were his distinctions, that we are at a loss to determine whether it was more difficult to comprehend the argument or retain the impression. Let us, however, take one of the examples which he gave. If, said he, authority is given to establish a house of entertainment, could that be construed into an authority to build a house? Suppose that gentleman were applied to for his advice, and a written contract presented to him in which the owner of a tract of land had granted an individual the authority *to establish* on such tract a house of entertainment, and there was no house on it, or one entirely unfitted for such purpose, would that gentleman say that the lessee should not have a right, at his own expense, to build a suitable house? Would he tell him, after having been busily engaged in investigating the subject, with his law books on one hand and his lexicons on the other, that he could find no place in which the words "to establish" were used to signify "to do any thing which required physical force," and that, unless he could build a house without physical force, he must lose the benefit of his contract? In construing all instruments of writing, of whatever character they may be, is it not more reasonable to understand the words in the sense in which, from a view of the whole instrument, it is reasonable to presume they were intended to be understood?

It has also been urged that the clause referred to gave to the General Government a right of way only; and that any lawyer would acknowledge that a grant of a right of way only, conveyed no interest in the soil; that if, under such circumstances, obstructions were thrown in the way, the grantee had no right even to remove them, but must sue and recover damages. I know that it is not to be inferred, as the opinion of that gentleman, that if, by order of the county courts, every post road was ordered to be closed, and the passage of the mail prevented, the remedy would be by suit; for here a greater difficulty would present itself than in construing the contract "to establish a house of entertainment." Against whom should the suit be commenced? Against the State, or against the worshipful justices of the county court? It is acknowledged by all that the State has no authority to prevent the passage of the United States mail, but yet the county court may refuse to have a post road kept in such a condition as would enable those whose duty it is to carry the mail to get along with it. The General Government, according to this view of the subject, is made to depend for the execution of its power, not on the State alone, but on the will and caprice of a county court. When a road is once made, gentlemen acknowledge that the Government may claim and exercise the right to use it. The State may wish to alter or abolish a road, but this they have no right to do. But we must not make a road. Before the road is made the land belongs to the State, and it would be a dangerous power to permit the United States Government to interfere with its right; but, let the road be once made, and then use it at pleasure, and exercise, too, such authority over it as that the State cannot abolish it, and in this there is no danger. If, Mr. Chairman, this be correct reasoning, I confess it is beyond my comprehension. Not wishing, however, to consume too much of your time, I shall submit the matter without further observations.

When Mr. Buckner had concluded—

Mr. McDuffie, of South Carolina, next took the floor in support of the bill, who, at 4 o'clock, yielded to a motion for rising; and, the Committee having obtained leave to sit again, the House adjourned.

Thursday, February 5.

On motion of Mr. P. P. Barbour, the Committee on the Post Office and Post Roads were instructed to inquire into the propriety of allowing an additional compensation to William F. Gray, postmaster at Fredericksburg, in Virginia.

A Message was received from the President of the United States, as follows:

To the Speaker of the House of
Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, agreeably to a resolution of that House of the 11th of December last, with the papers which accompanied that report.

JAMES MONROE.

Washington, *Feb.* 2, 1824.

The said Message was read, and ordered to lie on the table.

SURVEYS FOR ROADS AND CANALS.

The House then again resolved itself into a Committee of the Whole, on the bill for obtaining the necessary surveys, estimates, &c., for roads and canals.

Mr. McDuffie concluded the speech which he commenced yesterday, in support of the bill. His speech follows entire.

Mr. Chairman: In the course of this discussion, gentlemen have indulged their imaginations in sketching out the most extravagant and fanciful pictures of the abuses which would result from the exercise of the power of making internal improvements by Congress; and, by this sort of inverted reasoning, have attempted to prove that the power does not constitutionally exist in Congress. Nothing can more clearly show the difficulties of the position they have assumed under the Constitution, than the fact that they are compelled to resort to arguments of this description, in order to sustain it: for, I think it can be satisfactorily shown, that it is against the whole theory of our political system, to suppose that the power in question is more liable to be abused by the General Government than similar powers are liable to be abused by the State Governments. With the purpose, therefore, of reclaiming the attention of the Committee from the frightful usurpations gratuitously ascribed to this Government, and of directing it to the sober and dispassionate consideration of the principles really involved in the subject under discussion, I propose to offer a few preliminary remarks, indicating the real securities provided in the Constitution for the liberty of the citizen, and the harmonious operation of our complicated system of Government.

Almost every gentleman who has addressed the Committee in opposition to the proposed measure, has laid down some general proposition, classifying the powers which have been confided, respectively, to the General Government and to the State governments; but it seems to me they have introduced into their several propositions, terms much more vague and uncertain than the question they are intended to elucidate. To lay it down as a general rule, that all municipal powers, not expressly granted to the General Government, belong to the State governments, either renders nugatory most of the powers of this Government, or it does not advance us a single step towards the decision of the question we are discussing. I shall endeavor to bring the mind of the Committee to a direct perception of the things upon which it is to decide, entirely unembarrassed by terms of doubtful signification.

It will be perceived, from a casual glance at the provisions of the Constitution, that two great safeguards are provided for restraining and arresting the usurpations of this Government, and preserving the liberties of the people. One of these results from restrictions upon power; the other from the responsibility of those who exercise power, to the people upon whom it operates. Those particular acts of Government which are essentially wrong, and which no emergency can justify, are absolutely prohibited; and upon those powers which rulers are naturally prone to abuse, because connected with their own defence, and liable to the influence of their passions, positive restrictions are imposed, restraining their exercise to certain specified emergencies. Upon these principles, Congress is prohibited from passing any law respecting the establishment of religion, or tending to abridge the freedom of conscience, of speech, or of the press. Upon the same principles, Congress is prohibited from making either honors or crimes hereditary, by creating titles of nobility, or passing bills of attainder; and, also, from suspending the privileges of the writ of *habeas corpus*, except under circumstances producing a sort of State necessity for that dangerous exercise of sovereign power. And it is worthy of remark, that the State governments also are subjected to precisely the same positive restrictions, in all cases where the powers under consideration could be fairly presumed to belong to them, under the general distribution. From this we are brought to the obvious conclusion, that the Convention did not regard the State governments as sentinels upon the watch-towers of freedom, or in any respect more worthy of confidence than the General Government. One class of public agents, as they are not exempted from the passions, so they have no claim to be exempted from the restrictions belonging to another class, when both stand in the same relation to the people. It was wise and provident, therefore, to restrain both from the exercise of powers, which are so peculiarly dangerous in their nature. And here, sir, an answer at once suggests itself to a remark, made during this debate, importing that the same principles of construction which justify the exercise of the power to make internal improvements by this Government, go equally to justify the celebrated sedition law. The unconstitutionality of that law resulted from the express provision, "that Congress shall pass no law abridging the freedom of speech or of the press." It was a violation of an express restriction upon the power of Congress; and until gentlemen point out a similar restriction upon the power of improving the country and developing its resources, they must abandon the argument, deduced from this analogy, as indefensible. The only effect of introducing such an argument into this discussion, is to awaken associations which do not belong to the subject.

Having thus pointed out the class of powers which is the proper subject of positive restriction, let us inquire what is the principle which governs the distribution of that residuary mass of useful and necessary powers which constitute the sovereignty of the nation, and which every Government, or system of Governments worthy of the name, must exercise by some of its functionaries. In determining whether a given subject of legislation should belong to Congress or to the State Legislatures, the inquiry with the Convention was not, which of these will be most likely to abuse the trust, but to which of them does it appropriately belong, in reference both to their organization and the great objects they were designed to accomplish? It was not a question of civil liberty, but of political harmony. In this view of the subject, I would lay it down as a general rule, that all those subjects of legislation which concern the general interests of the whole Union, which have a plain and obvious relation to the powers expressly granted, and which a single State government cannot regulate, naturally belong to the General Government, unless it can be shown that the regulation of those subjects by Congress impairs the power of the State Legislatures to regulate their own internal police. In laying down this rule, I have been governed by the living principle which pervades and sustains the whole fabric of our complex system of government, political responsibility. This should, in all cases, be co-extensive with political power; and wherever the power of a Government operates upon the interests of those to whom it is not responsible, there is precisely so much despotism. This idea cannot be better illustrated, than by the very subject under consideration. Roads and canals for the transportation of the mail, and for bringing into efficient operation the military power of the nation, are intimately connected with the prosperity, the defence, and the very existence of the Union. The whole people of the United States are, therefore, interested in the execution of works of this description. Let us suppose, then, that the General Government commences a road or a canal for these general and essential purposes, through the State of Delaware, and that the government of that State should interrupt its progress. What would be the political anomaly presented? The government of Delaware, emanating from, and responsible to, forty thousand people only, would be seen controlling the interests of the whole people of the United States, amounting to nearly ten millions? The people of the United States have no representative in the Legislature of Delaware, and, consequently, no means of controlling its operations upon their interests but by the supremacy of the laws of this Government. In the case supposed, therefore, the great interests of this Republic would be subjected to the action of a power having every characteristic of despotism. It is true, it would be a petty despotism, but it would not, on that account, be less despotic in principle. If it would not directly endanger the liberties of the country, it would weaken its energies and embarrass the essential operations of the Government. For, sir, show me, in any of the subdivisions of this comprehensive scheme of representative Governments, a power operating beyond its responsibility, and I will show you a power unknown to the system—a comet, let loose from the power of gravitation, which must inevitably destroy the planetary harmony by which that system is so admirably characterized.

Let us now reverse this picture, and contemplate the operations of the General Government upon the States, in fulfilling the great ends of its creation. What are the principles which lead gentlemen to presume that the rights of the States will be infringed? Is Congress, in its legislative action upon the States, like the State Legislatures in their action upon the United States, irresponsible to those upon whom its power operates? Are not the people of the States represented on this floor, the governments of the States in a co-ordinate branch of the National Legislature, and both, in the chief executive magistracy? And when the concurrence of all these, or of two-thirds of both branches of Congress, is necessary to the passage of any law affecting the rights of the people, or the powers of the States, have we not all the safeguards which human wisdom can provide against the abusive exercise of power? Sir, in the vast field of legislation over which our jurisdiction extends we cannot touch with rudeness a single chord of the body politic whose vibration will not reach every department of this Government. I confidently assert, that this Government is as popular in its organization, and as safe a depository of power, as a State Government.

With the aid of these general principles, I shall proceed to inquire what powers have been actually delegated to Congress, in reference to the subjects embraced in the bill on your table.

I am clearly of the opinion that, under the general power to raise and appropriate money to "promote the common defence and general welfare," Congress has the power to appropriate money for making roads and canals, with the consent of the States in which these works may be executed, without reference to any of the other specific grants of power. As the honorable Speaker has distinctly disclaimed all power over internal improvements derived from this source, I must beg the particular attention of the Committee while I attempt to explain my views on the subject, and remove the misapprehensions which I believe to exist, as to the extent of the power which is claimed under this clause. When I lay it down, that the power of raising and appropriating revenue, like all the other sovereign powers of this Government, is unlimited, unless where expressly restricted, I beg gentlemen not to be alarmed at the proposition, for I will give it such an explanation as will, I think, render it perfectly harmless. The powers to declare war, and to raise and support armies, are certainly as dangerous as any vested in this Government, and yet, it will not be pretended that they are subject to any other limitation than what will be found in the wisdom and discretion of Congress. We have the same power to raise an army of a hundred thousand men in time of peace, when we have occasion for their services, that we have to raise a single regiment in the greatest emergency. And though every one will agree that such a freak of power would be wanton and wicked in the extreme, no one, I presume, would venture to pronounce it unconstitutional. In like manner, I maintain that we have as clear a Constitutional power to raise one hundred millions of revenue, without any reference to the other express grants of power, that we have to raise a single million for the direct purpose of carrying these grants into effect. The fallacy of the arguments of gentlemen on this subject consists in supposing that the Constitution leaves nothing to the discretion of Congress; when, in fact, construe the Constitution as you will, our principal security must depend upon that discretion. In determining what sovereign powers belong to Congress, no discretion, I admit, is given to us. The Constitution is our inflexible landmark. But, in determining in what manner, under what circumstances, and for what purposes, these powers shall be exerted, we have nothing but a sound discretion to direct us. That Congress has power "to lay and collect taxes," we ascertain from the Constitution; but it would be as vain to look into the Constitution for an enumeration of the objects to which the revenue shall be appropriated, as to look into that instrument for the causes which would justify a declaration of war, or for the objects to be accomplished by raising armies or regulating commerce. By a strange misconception, in which the honorable Speaker seems to have participated, the power of appropriating money, in the extent to which I carry it, is supposed to involve a sweeping demolition of all the limitations of the Constitution, rendering this a Government of unlimited powers. Sir, I expressly disclaim these consequences. I deny that the power of raising and appropriating money "draws after it" (to use the language of the Speaker) any power at all. My position is, that Congress has power to raise and appropriate money to carry into effect the other powers expressly granted, and also to promote "the general welfare," so far as it can be promoted by money merely. As a power, it ends in itself. When the money is raised and appropriated, sovereignty ceases; and whatever else is effected must be done by the mere agency of money, in the use of which the Government is precisely upon the footing of an individual. If any sovereign power, besides that of appropriating money, is necessary to accomplish the object, that other power must be derived from some of the other grants of the Constitution; and if it is not found there, it does not exist at all.

That the power of appropriating money is not confined to the execution of the other commercial powers, is as clear, from the terms in which it is conveyed, as from the nature of the power itself. Congress is authorized to "lay and collect taxes" "to provide for the common defence and general welfare." Now, it would be doing great injustice to the critical skill of the Convention to suppose that the significant terms "common defence and general welfare," were introduced for no purpose; and it would be doing equal injustice to their wisdom to suppose that the terms in question were intended to enlarge the powers of the General Government. It seems clear to me that they were intended neither to enlarge nor diminish the powers of Congress, but merely to define and limit the objects to which this particular power should be applied. And I am much indebted to the candor of my honorable friend from Virginia, who sits near me. (Mr. ARCHER,) for the admission, that these words were intended to limit a power, which would have been illimitable without them. I am perfectly satisfied of the correctness of this view, and, while it gives me great pleasure to concur with my friend in the principle, I am compelled to say that it brings my mind to a conclusion precisely the reverse of that which he deduces from it. If the power under consideration would have had no limit without the words "common defence and general welfare," it results of necessity, that we must look to those words only for the limitation. What, then, is it? Congress shall raise and appropriate money, with no other limitation, as to the objects which money alone can effect, but that they must relate to the "common defence and general welfare," and not to any local or State purposes.

Indeed, sir, it may be fairly argued that there would have been no necessity for an express delegation of a power to raise and appropriate money, if it can be applied only to the other granted powers; for, it can scarcely be doubted, that every one of these would carry with it, as an incident, the power of appropriating the money necessary for its execution. That can hardly be a just construction, which would thus convert the leading clause of the Constitution into mere surplusage.

The honorable Speaker seems to be alarmed at the idea of a discretionary power in Congress to appropriate money to "promote the general welfare," and has reminded us of the saying of a military chieftain, who certainly understood the elements of human power, as well as any man who ever wielded them. "Give me money, (said that celebrated man,) and I will obtain bayonets;" and, conversely, "give me bayonets, and I will get money?" Now, if the honorable Speaker had examined the bearing of this military maxim, with the sagacity which usually characterizes the operations of his mind, I think he would have found in it an answer to his own argument, and a perfect relief from all his apprehensions. If the combined powers of money and bayonets, of the purse and the sword, are so fearful, I ask if they do not exist, without limitation, in Congress, by the express grants of the Constitution? That the power of appropriating money is unlimited in reference to all the elements of military power, is a proposition which I am sure will not be questioned. And I am at a loss to conceive how the dangers of the bayonet can be increased by the power of appropriating money to other objects. It is not, sir, the power of appropriating money, but the other powers to which it gives motion, that can be regarded as dangerous. Against the wasteful expenditure of the public money, the Constitution furnishes an ample security in the provision, that no money shall be drawn from the Treasury but by the consent of the people, through their immediate representatives. It may at least be said, that if this is not a sufficient security, there can be none; for the field of expenditure is wide enough for all the purposes of extravagance, under any construction which can be given to the Constitution.

Sir, if the view I have taken of the money powers of this Government be not correct, every Administration, and almost every Congress, have been guilty of habitual violations of the Constitution. In the Administration of General WASHINGTON, an appropriation was made to relieve the suffering people of St. Domingo, who had sought a refuge on our hospitable shores; and, in that of Mr. Madison, a similar appropriation was made for the relief of the wretched inhabitants of Caraccas, overwhelmed by the disasters of an earthquake. Neither of these appropriations have the remotest assignable relation to any one of the other enumerated powers, and I challenge any gentleman to justify them under any other clause of the Constitution but that which confers the revenue power. In fact, sir, we cannot perform those every day acts, which are essential to the existence, and involved in the very notion of government, if our power to appropriate money is regarded as merely subservient to the other grants of power. The monuments we have erected to illustrate the gratitude of the nation and the memory of her distinguished citizens; the works of genius and patriotism by which we have decorated the Halls of this Capitol; and the very supplications which are every morning sent up to heaven, invoking its smiles upon our deliberations for the general welfare, are so many emblems of usurpation, if the arguments of gentlemen are correct on this point. We cannot look around us without beholding something to remind us that we have violated the Constitution.

But, sir, there are much stronger precedents than any I have yet stated, on the point under consideration.

Under the Administration of Mr. Jefferson, one of the most distinguished advocates of limited construction, Congress appropriated money for the purchase of a territory sufficiently large for an empire. It will not be pretended that this was authorized by any of the specific grants of power to Congress, if not from that to appropriate money. Whence, then, is the power derived? If the purchase was unconstitutional, an honorable gentleman from Louisiana, whom I trust we shall hear upon this question, has no right to raise his voice in this assembly. If it was Constitutional, as I believe it was, it is in vain to speak of any security against the waste of the public treasure, derived from limiting the objects of expenditure. For the same principle which authorized the purchase of Louisiana, would equally authorize that of Cuba and the islands in the Pacific Ocean; and if nature did not interpose an insuperable barrier, we might go with the honorable Speaker to the planets above us, and there embark in sovereign speculation. But it will be said that the purchase of Louisiana was made by virtue of the Executive power to make treaties. Granted. And what follows? That there is an unlimited power in the Executive Government, not only to authorize Congress to appropriate money, but to impose upon it all the obligation which can grow out of the treaty, to make the appropriation. Sir, this puts an end to the argument which limits the power of appropriating money to the other specific grants to Congress, embraced in the enumeration of its powers. And I must say, it would be an extraordinary supposition that the framers of the Constitution intended to limit, by the most jealous restrictions, the power of the popular branch of the Government, in selecting the objects calculated to promote the general welfare, and, at the same time, to vest in the Executive Government the most unlimited discretion on the same subject.

But, says the honorable Speaker, if we can derive the right of making a road through a State, from the consent of the State, we can derive from it sovereign powers not conferred by the Constitution. If it were contended that the power of appropriating money could be derived from the consent of a State, this objection would, I admit, be unanswerable. The objection, however, is founded upon a misconception. It supposes every act which a Government performs to be, of course, an act of sovereignty. But, nothing can be more erroneous than such a supposition. The making of a road is not an act of sovereignty. The Legislature of Virginia, for example, might grant *me* the privilege of making a road through the State; but, if they were to do so, I should certainly never dream that I was clothed with any of the attributes of sovereignty. In fact, to deny this General Government a privilege belonging to the humblest citizen within its allegiance, would be to render it an alien enemy in the midst of the people, whose destinies are committed to its charge.

But, Mr. Chairman, though I have deemed it important to show that this Government has the power to execute internal improvements with the consent of the States in which they may be made, I confess I deem it of much more importance to establish its absolute and sovereign power to make such roads and canals as are requisite and proper for giving a salutary efficiency to the great powers expressly conferred upon it, "in order to form a more perfect union," and perpetuate the blessings of liberty. I shall proceed, therefore, to examine briefly the several clauses under which the power in question is claimed, assuring the Committee that I will not trespass upon their indulgence by the repetition of arguments which have been already urged with an ability to which I have no pretensions.

In expounding the meaning and import of the grant "to establish post roads," the gentlemen opposed to this measure have largely availed themselves of those legal subtleties and philological refinements which they have themselves proscribed as unbecoming the nature and gravity of this discussion. I, sir, am decidedly opposed to the introduction of artificial or technical rules into the interpretation of such an instrument as the Constitution of the United States; and I think the friends of this bill would act very unwisely in resting the question of power upon the grammatical import of the term "establish." I agree with my honorable friend from Virginia, (Mr. Archer,) that "to establish" most generally means only to communicate the attributes of permanence and stability; and that, in relation to physical objects, it never means "to make" merely. But, it will be apparent to the gentleman, on a moment's reflection, that it is often used in reference even to physical objects, to convey the two-fold idea of "creating and making permanent." The meaning of the word must depend, in every case, upon the subject-matter to which it relates. An authority, for instance, to establish a post road where a road already exists, would not, in terms, convey a right to make the road; because the language, in its more comprehensive signification, would have nothing upon which to operate. But, an authority to establish a post road through a wilderness would most certainly be interpreted to convey, by the mere force of the terms, the right to make the road, as well as to communicate to it certain legal attributes.

But, sir, in giving a construction to a power of this description, we must ascend to much higher principles than either law books or lexicons can furnish. We must look to the great objects which it was designed to accomplish, and give it such an interpretation as will most effectually promote them. What, then, are those objects? The power to establish post offices and post roads, simple as it may appear, is one of the most important which belongs to Congress. Regarding the vast extent of our country, and the principles of our Government, it is obvious to remark that it is of vital consequence to the liberties of the Republic. It is the representative principle that imparts to this Government the character of freedom. And what can be more essential to the efficient operation of this principle than the rapid and regular transmission of political intelligence from the Seat of Legislation to the remotest extremes of the Union? Even a free press—one of the essential elements of a representative system, of such unprecedented extent as ours—would be comparatively useless without an active and comprehensive system of mail communication. A constant interchange of intelligence and sentiment between the Government and the people is essential to the character of both. It is the diffusion of intelligence from the Government to the people, and the reaction of popular sentiment upon the Government, that renders the citizen really a freeman, and the representative really a responsible agent. I believe, sincerely, that, if the communication of this intelligence were for a length of time cut off from any distant portion of this Union, it would be deprived of the principle of political life, as certainly as a limb of the animal system would perish in which the blood had ceased to circulate. And is it not obvious that there will soon be States in this great Confederacy so remote from the centre that, without the most improved means of communication, Congress may meet and adjourn before a single interchange of sentiment can take place between the representative and his constituents? Sir, I am sure no member of the Committee can be insensible to the importance of these considerations. And, in ascertaining the extent of a power designed for such high purposes, shall we contract our views to a mere philological disquisition upon the import of the word "establish?" Admitting that this word must receive the restricted meaning ascribed to it by some gentlemen, I contend, upon a higher principle than any yet assumed, that the power to establish post offices and post roads involves as an incident the right to make them. And I confess I have been not a little surprised that, while all the other grants in the Constitution are admitted to involve incidental powers, this should be regarded as an exception. Without this incidental power, the principal power might be rendered nugatory, either by the caprice of a State government, or by the obstacles of nature. To contend, therefore, that we cannot make post roads, because "to establish" does not mean "to make," is not more reasonable than it would be to maintain that this Government cannot make war because "to declare" does not mean "to make."

I believe every gentleman who has opposed, in this debate, the power of Congress to make post roads, has distinctly admitted its right to exercise a conservative power over such existing roads as it may establish. This, indeed, is clearly embraced in the idea of giving firmness and stability, which enters into their definition of the word "establish." Now, sir, if this Government has the power to maintain and keep up a road, against the consent of a State, and to prevent, by the highest sanctions, any obstructions, even if attempted under the authority of a State, I would be thankful to any gentleman who would present an intelligible idea of the additional act of sovereignty exerted in making a road. As relates to the question of sovereignty, the power to maintain a road, against the will of a State, is precisely the same as the power to make it—with this difference in point of fact, that the latter exercise of power would be generally more beneficial to the States.

But, I would ask the gentlemen on the opposite side of this question, whether this Government has not a right, and has not invariably exercised it when necessary, to erect buildings for the use of the post office establishment? They have not only the right to purchase the soil for the purpose of erecting a post office, without the consent of a State, but they have a right to take it without the consent of the owner, and with no other restriction than that prescribed in the Constitution, that "just compensation shall be made." Now, if the power to establish a post office involves the incidental right to make it, the power to establish a post road, involves the right to make that also. It would be an utter perversion of every just principle of construction, to ascribe to the same word two different meanings, as applied to two subjects standing in precisely the same relation to it, and in the same sentence.

I will now proceed, Mr. Chairman, to consider those clauses of the Constitution which confer upon this Government the power to declare and prosecute war. The obvious, and, indeed, the express intention of these clauses was, to clothe this Government with the whole military power of the nation; to enable it to provide for "the common defence and general welfare" of the Republic.

To suppose that the framers of the Constitution intended to confer upon Congress the power to declare war, and to deny to it the means of giving to that power the most efficient operation, is, in effect, to suppose they intended to impose a duty upon Congress, and withhold the means of performing it. But gentlemen deny that roads and canals can be fairly regarded as the means of prosecuting war. Sir, I am perfectly willing to rest this question upon the rule laid down by the honorable gentleman from Virginia, (Mr. P. P. Barbour,) who opened the debate in opposition to the bill. He says that no act of the Government can be justified, as the means of carrying into effect any power of the Government which has not a "direct and appropriate relation" to the ends which that power was intended to accomplish. Now, if it cannot be satisfactorily shown that roads and canals have a "direct and appropriate relation" to the military defence of the country, I will surrender the whole argument. Sir, what is the situation of this country, in reference to its capacity for defence? There is not a nation on earth abounding so much in the elements of strength, that is so much weakened by their diffusion. And every one knows that not only the increased energy, but the very existence of military power depends upon the concentration of these elements. If, by a judicious system of roads and canals, we double the facilities for military movements, and the rapidity with which the forces of the country may be brought to bear upon an invading force, we increase, in nearly the same degree, our defensive power. If, by the same means, we enable the Government to transport arms, munitions, troops, and subsistence, for one-fourth of the price it would now cost, we quadruple the power of the country, so far as money is to be regarded as an element of military power. These hypothetical cases, so far from being extravagant, are short of the reality. If this were not apparent, from a mere inspection of the map of the country, it could not fail to be deeply impressed upon us by the disastrous experience of the recent war with Great Britain. We cannot have forgotten the waste of life and treasure, which was sustained on the Northwestern frontier, principally for the want of facilities of transportation. The extraordinary expenses of a single campaign, (in which flour cost the Government upwards of one hundred dollars a barrel,) arising from this deficiency, would defray the expense of the most important of the roads and canals contemplated for military purposes. Can it, then, be doubted that roads and canals have a direct and appropriate relation to the military defence of the country? Let us suppose, sir, that any one, or a combination, of the great Powers of the world, should wage a war of extermination against this Republic. I will not undertake to say how probable such an event may be, or how remote; but, in discussing the Constitutional power of this Government to defend the country, we are bound to regard all those combinations and vicissitudes of human affairs, of which history furnishes so many examples. Upon what, then, would our safety, and even our existence, depend, if those combinations and vicissitudes should cover our coasts with the hosts of an invader, aiming to extinguish, in blood, the light of our example? Sir, the whole power of the country would be called in requisition; and I need not say how much of that power, both as it regards men and subsistence, lies beyond the mountains. In an emergency, such as I have supposed, at least a fourth part of the military energies of the Republic would be almost entirely unavailing for all the purposes of its defence and preservation, without the improvements here contemplated. Indeed, the power of this Government to make roads and canals for military purposes, is so obvious that my friend from Virginia (Mr. Archer) has, with his characteristic candor, distinctly admitted it; but, he contends, that the roads and canals contemplated in this bill, are not of that description. Now, I perfectly agree with him that if, under the pretext of making military roads and canals, Congress were to assume the power of making them for purposes not military, it would be an act of usurpation. The powers of this Government must be honestly exercised; and, although I cannot perceive any principle upon which the judiciary could pronounce any road unconstitutional, (if I may be permitted so to characterize a road;) yet, I admit that the conscience of every member is a tribunal, before which he must be able to justify his vote, in each particular exercise of the power in question.

An honorable gentleman from Virginia, (Mr.

Rives,) who favored us with an argument of great ingenuity, and to which I listened with unusual pleasure, has told us, that if we assimilate a military road to a fortification, we may, with a little more license of the imagination, say, that bread, and even the hearts of our citizens, are fortifications. I trust, sir, there is more of fact than of fancy in this. And, I would ask the honorable gentleman, if he means to deny the power of this Government to provide bread for the sustenance of its armies, or to call into requisition the hearts and the blood of its citizens, for their common defence?

Driven from the ground of precise Constitutional investigation, gentlemen have conjured up a phantom which they denominate consolidation; and which I shall now endeavor to exorcise. And I should be glad if some of them would favor us with a precise idea of what they mean by consolidation. If they mean by it a firm and indissoluble union of the States, I for one, am decidedly in favor it; but, if they mean by it the annihilation of the State governments, or the destruction of a single power that appropriately belongs to them, there is no man who disapproves of it more, and I will add, who fears it less than I do.

If gentlemen will attentively examine the organization and structure of our Government, they will perceive that a consolidation, in this sense of the term, cannot possibly take place. What, sir? Annihilate the State governments! when one of the branches of the National Legislature is absolutely dependent upon them, and the other emanates from the very same people who create those governments! Usurp the powers of the State governments! when this Government could not exercise them if it would, and would not exercise them if it could! Gentlemen have deluded themselves by the vague generalities in which they have indulged, and have triumphantly asked, What may this Government not do, if it has power to make internal improvements? Sir, I would ask, in reply, What may this Government not do, under any construction, which they would themselves give to the Constitution? For, I must be permitted to say, that, if the liberties of the Republic are in any danger from the powers of this Government, it is from those expressly granted. It has, in the power of war and peace, the absolute and unlimited command of every thing that can fascinate human ambition, or impose upon the imaginations of mankind. If any thing can draw it from the appropriate sphere of its duty, it is the seductive charm of military glory. But this is not all. In the power to suppress insurrections, it may bring the military force of the nation to operate, under mere colorable pretexts, directly upon the lives and liberties of the people. And if these powers are harmless, I am at a loss to perceive what there is to alarm us, in those that remain. If my views of our system of Government are not entirely erroneous, our liberties do not depend so much upon the quantity as upon the kind of power vested in our respective public functionaries—nor upon either of these, so much as upon the efficient responsibility of those functionaries to the people. Destroy this tie, and any portion of power, however small, will soon be sufficient for all the purposes of despotism. Subject to its control, the ordinary powers of Government, which constitute sovereignty, are both safe and salutary. Indeed, I am satisfied that the proposition, that power is essential to liberty, will be found to be philosophically true, upon the fullest examination. You cannot annihilate sovereign power with impunity. If it cannot operate through the Government, it will operate through other channels, and the Government will sink under its own debility. Most of the free Governments, both of ancient and modern times, have fallen a sacrifice to the mistaken idea, that liberty derives its security, not from the responsibility of power, but from its limitations.

But, I trust I shall not be understood, while maintaining the complete sovereignty of this Government, in relation to the great objects of its creation, to underrate the importance of the State governments, or to claim for the General Government the right of interfering, in any respect, with their power and jurisdiction. What are the subjects of their power and jurisdiction? The property, the life, the person, and the character of the citizen, and the general improvement of the State. I would not extend the power of this Government so as to impair that of the State governments, in relation to any of these subjects, or any other embraced in the internal police of the States. What, sir, will be the effect of the very measure we are discussing, in this respect? Can internal improvements, of a national kind, by any possibility, impair the power of the State through which they pass, to make similar improvements? Their concurrent power would, on the contrary, be capable of producing much greater results, and nothing but a spirit of reckless caprice, which cannot be imputed to the State governments, could induce them to resist the incidental co-operation of the General Government, in works so essentially beneficial to themselves. Sir, I am utterly incapable of perceiving a solitary power of a State government, which would not exist in as ample a manner during the progress of a national work within its jurisdiction, as if such work had never been even projected.

But, an honorable gentleman from Virginia (Mr. Stevenson) has informed the Committee that the people are alarmed on this subject, and has warned us of the danger of alienating their confidence from this Government. I trust, sir, I duly estimate the high character of Virginia for intelligence and patriotism, but the gentleman must excuse me for saying that I cannot regard Virginia as the barometer of the national feeling on this question. And when we advert to the fact that a decided majority of Congress has for many years been perseveringly attached to this system of improvement, it would seem to be a matter of some difficulty for the gentleman to make out the evidence of the dissatisfaction and alarm of which he speaks. Indeed, if I may be allowed to express an opinion on the subject, I doubt whether the people, even of Virginia, have any of those apprehensions which some of their Representatives entertain on this subject. The course of argument which denies to this Government the power to make internal improvements is too refined and metaphysical for the comprehension of the people; and, as far as my own observation has extended, it is almost entirely confined to politicians. Tell a plain man that the Government has not this power, and you strike him with astonishment. He will be utterly at a loss to understand upon what principle a Government having so much power to do evil should be deprived of the power of doing good. And, after all, common sense is the safest guide in the construction of this Constitution. It originated with the people, was designed for the people, and we shall best fulfil its ends by expounding its provisions and administering its powers upon those broad and obvious principles which the people can clearly comprehend.

I have no reason to apprehend, Mr. Chairman, that the attention of the Committee has been so exclusively directed to the abstract question of power, that they have lost sight of many of the considerations which recommend the adoption of the measures under consideration, on the score of expediency. With the indulgence of the Committee, I will offer a few remarks on this latter view of the subject.

A gentleman from Virginia (Mr. STEVENSON) has told us, with a manner of utterance which forbids us to misunderstand his object, that measures of this description will make this a *splendid* Government! I trust, sir, that *words* can have no magical influence on our deliberations on this grave question; and I confess that I can collect no distinct or intelligible *idea* from the expression to which I have just alluded. What does the gentleman mean by a splendid Government? Does he mean a Government which takes an enlarged and comprehensive view of the great interests of our common country, and wisely provides means for their development? Does he mean a Government which applies the revenue of the country, not to the gratification of its own ambition, but to the promotion of the happiness, the wealth, and the security of the people? If such be his meaning, I hope this will never cease to be a splendid Government. If such be not his meaning, the expression can have no application to the measure with which it has been associated. No gentleman has ventured to question the importance of internal improvements, as a means of promoting the wealth and prosperity of the country. This has long since ceased to be a question in every civilized nation in the world. But it is contended that this Government is not capable of executing works of this description, with the same judgment, skill, and economy, as the State governments.

Sir, the roads and canals contemplated by this bill, will be of an extent which will render it impossible for the State governments to execute them. If, therefore, they are not made by this Government, they will not be made at all. But gentlemen are certainly mistaken in supposing that internal improvements, of any kind, can be more skilfully and cheaply executed by the State governments, than by this Government. A State government, I admit, is more capable of determining what improvements will promote the peculiar interests of the State, for the same reason that this Government is more capable of determining what improvements will promote "the general welfare" of the whole Union. But, as relates to their comparative competency for skilful execution, it would be extraordinary if the General Government had not the advantage. It has already in its service a corps of scientific engineers, and is possessed of superior resources and opportunities for commanding the first talents of the country, or of the world, if necessary. It can cast its eye over the whole Union, and combine and concentrate the results of the experience of all the States. In a word, it has all the advantages which more abundant resources, superior intelligence, and a more comprehensive view of the improvements already made in this and other countries, can confer upon it. Very few of the States have much practical knowledge on the subject. It is within my own knowledge that in that which I have the honor in part to represent, vast sums of money have been expended, with very little skill or economy. It is not to be expected, indeed, that *any* Government can carry on undertakings of this kind, with the minute economy which is practicable in those of a private nature, in which individual interest holds a constant check upon extravagance. But, in this respect, Government is *Government.* All are equally liable to imposition, and if the objection I am considering were substantial, it would arrest the progress of internal improvements altogether. The fallacy of this argument, as well as of most of those urged by the gentleman from Virginia, consists in the supposed exemption of the State governments from the frailties and imperfections which are incident to all Governments.

But, Mr. Chairman, we are urged to the adoption of this system of internal improvements, by considerations growing out of the peculiar character of our Government, infinitely more important than any which relate merely to the economy of national wealth. There is not upon the face of the earth a nation so deeply and vitally interested in the improvement of the facilities of internal communication, as the United States; for, whatever differences of opinion may prevail upon other subjects, all of us must agree that our hopes of reaching the high and happy destinies for which Providence seems to have formed this country and this Government, absolutely depend upon the preservation of the Union. And what are the sources from which danger is to be apprehended in this particular? Dissimilarity of interests, suspension of social and commercial intercourse, and a consequent alienation of feeling among the great geographical subdivisions of the country. Intercourse is the only effectual preventive. This, sir, is not a matter of mere speculation. The most salutary effects have resulted from the intercourse between the Northern and

Southern States; an intercourse founded upon commercial and other accidental relations, and facilitated by the channels provided by nature. So palpable has been the effect of this intercourse in correcting mutual prejudices, that it cannot have escaped the most careless observer. Without this, it is impossible to say what would have been the effect of our political divisions, in a crisis which has happily passed away, or what would now have been the state of feeling existing between the Northern and Southern portions of this Union. But, united as they are by the strong ties of interest, consecrated by social kindness and mutual good offices, these portions of the Union can never separate.

But, sir, there is, in another direction, danger which cannot be disguised. No statesman, of enlarged views and patriotic feelings, can look with indifference upon the situation of the Western country, and the relation it bears to this Union. It is an old maxim that rivers unite nations, but mountains separate them. And why is it so? Because rivers facilitate intercourse and mountains prevent it. I trust I shall not be misunderstood in what I say of the Western States, on this delicate subject. There is no portion of this Union (I make *no* exception) more justly distinguished for lofty and patriotic feelings than the Western States. Nor is there any portion of the Union, at this time, more ardent and devoted in its attachment to the General Government. But what produces this attachment? The ties of consanguinity, and the power of youthful associations. Few of the citizens, who constitute the governing power in those States, can look around them for the tombs of their fathers. These depositories of the dead, and many living objects of their affectionate remembrance, are, yet awhile, on this side of the mountains. But time is gradually weakening these ties of nature, and, when a few generations more shall have passed away, the bond of affiliation which now unites them to us will be entirely dissolved. With these impressive facts before us, we should be unworthy of the high trust confided to us, if we did not endeavor, by a provident forecast, to substitute new principles of attachment for those which must so soon cease to operate.

Let us, then, provide the substantial ties of commercial interest. It is my deliberate opinion, that, if the entire commercial supplies of the Western States should be permanently derived through the port of New Orleans, and no commercial intercourse should subsist between them and the Atlantic States, it would be impossible for all the power of parchment and political organization to hold this Union together for half a century longer. In this view of the subject, I have often reflected that the difficulties incident to the navigation of the Gulf of Mexico, and of the river Mississippi, were kindly intended by Providence to promote our union and greatness. I rejoice that those difficulties do exist; and, I trust, we shall be wise enough to improve them to our advantage. Let us, then, cut down and level the mountains, not like the Persian tyrant, to subjugate nations, but in order to achieve a more glorious conquest—the subjugation of our own mutual prejudices. Sir, in whatever light we view these improvements, whether in reference to the diffusion of intelligence, the increase of the defensive power of the country, or the perpetuation of the Union, they are as essential to our existence and prosperity as a nation as the veins which give circulation to the principle of animal life are to the health and vigor of the animal system.

There is another view of this subject to which I shall merely call the attention of the Committee, having neither time nor strength for its full development. An attentive examination of the philosophy of national character and national greatness will lead us to the conclusion that the common efforts and common sacrifices of the whole people, made with a view to some great national object, are absolutely indispensable to the existence of these attributes. Hence, the influence of war in calling into action sentiments of patriotism and nationality, and the tendency of peace to cause these lofty principles of action to degenerate into selfishness and a want of public spirit. Sir, what would this nation be without those military achievements, which are so many monuments of our common exertions? Strike from the record of history the heroic deeds of our ancestors, and the more recent events which illustrate the valor and patriotism of the present generation, and the people of these United States would be reduced to a mere multitude of human beings, animated by no common principle, and united by no common sympathies, destitute of those moral characteristics and sentiments, without which all the physical elements of power and greatness cannot constitute a nation. But, sir, I trust that military achievements are not the only means of giving us national character and national sentiments. Let us substitute moral for military glory; the achievements of national industry, directed by an enlightened policy to the great improvements contemplated by this bill, for achievements involving much more painful sacrifices, and productive of less durable benefits to the country. Let us create, by our common toil and common treasure, some great monuments of the enterprise of the nation, which the people of this Union will contemplate with a common pride and regard as their common property. Sir, it is impossible to estimate the value of these improvements. I will not say they will make this Union perpetual; for the frailty and imperfection of every thing human forbids us to indulge that hope. But I will say that if we wisely improve our advantages in this respect, human sagacity cannot point out any probable cause which will produce a separation of the States. But if, unhappily, it should ever be our destiny to divide, and if our liberties should perish in the convulsion, let us at least leave, for the admiration of posterity, some memorials that the Republic has not existed in vain.

When Mr. McDuffie had concluded—

Mr. Reynolds, of Tennessee, addressed the House. Notwithstanding the thinness of the Committee, he said he should now take the liberty of presenting, briefly, his views on this interesting subject. At the outset of this discussion, said Mr. R., I intended to have given a silent vote, until I reflected that, some six or seven years ago, I had the honor to mingle in debate on this very topic. And, lest my constituents might suppose that I had become less zealous in their cause, to whom I owe much, is a very great consideration of my now engaging the attention of this patient and attentive Committee. On the debate in 1817 on the bonus bill, the gentleman (Mr. CALHOUN) who brought it forward, satisfied my mind that we have the power contended for.

Sir, when we look back at the situation of the country, and mark the defects of the old Confederation, and view with delight the great abilities of those worthies who penned this Constitution, what must have been their reflections on the subject now before us, when they sat down to consider of the great and prominent features of our Government, as afterwards presented in this instrument? They were men of the first talents and patriotism to be found in any country. They were well versed in the history of other nations. They felt and knew how beneficial and how largely internal improvements contributed to the glory and renown of ancient Greece and Rome; and, also, the great utility and importance those great works are to modern Europe. Look at England, France, and Germany—the great facilities derived by the goodness of the means of their conveyance. Those great men also saw, in prospectus, their country destined to be as great and flourishing as any that had gone before it. And yet gentlemen gravely contend that they never intended to give to Congress a supreme and absolute power to make post roads. But the road previously made by the States, and afterwards becoming a mail route, should then be adopted and made the post road. This is the position taken by the first gentleman (Mr. BARBOUR) who opened the debate, and for whose talents I have a great respect. But, sir, we are not left to conjecture, or to assume the power by implication. It is actually given by the Constitution. In the enumerated powers granted to Congress in the 8th section, Congress shall have the power "to establish post offices and post roads." Now, surely this does not imply any thing like adoption of roads. For what does the word *establish* mean? It signifies, most certainly, to create, make firm, build, settle firmly, &c. Now, it is admitted, on all hands, that none of the States have the power to establish a post office. The adversaries of the bill yield the point that Congress has the exclusive power. Then, if Congress has it, which no one can deny, how absurd it is to say that she can establish a post office in any part of the Union, but has no power to make a road leading to it. But my honorable friend from Kentucky (Mr. CLAY) has most eloquently and ably answered this part of the objection. But other gentlemen from Virginia have spoken against the bill, and they are so many I cannot distinguish them, as I did not regularly take notes of their arguments; indeed, I believe all of Virginia is against the measure, except an honorable member (Mr. MERCER) now in my eye, and my honorable friend (Mr. J. S. BARBOUR) who spoke the other day.

Sir, those gentlemen come forward as the champions of the Constitution and the defenders of State rights. I am by no means displeased at the opposition. It is such eloquent appeals to the passions and the understanding, and the honest difference of opinion, zealously enforced as to what is the proper construction of the Constitution, that is to preserve it and hand it down to the latest posterity unhurt. In the very threshold of our inquiry, we are called upon to encounter the celebrated resolutions drawn up by Mr. Madison, and adopted by the Virginia Legislature, against the alien and sedition laws. Now, no man venerates those resolutions, and the author of them, more than I do; but I submit it to the gentlemen of the long robe, from Virginia, whether any thing said beyond answering the unconstitutionality of those obnoxious laws, which the author expressly sat down to combat, should be taken as a rule, and whether the residue of the resolutions should not be considered as extra-judicial, as the lawyers would term it?

Sir, to be serious, we ought to look at the great excitement which produced those decrees. A little while before their existence, the Presidential election had taken place. The favorite son and statesman of Virginia had been beaten. The Federal Government had, indeed, at that period, assumed a high tone. A navy was to be erected, a standing army to be raised, and a war with France, our then natural ally, was expected. And, to crown the climax of federal power, the alien and sedition laws were passed. Sir, the excitement was strong and indignant, and must have entered into the feelings and spirit of the writer of those resolutions, and the other politicians of the day. The gentleman, therefore, will excuse me, if I do not place the same implicit reliance on the expositions of the Constitution by that able and eminent statesman at that time, as I now do on his practical opinions, written with more deliberation, and when he was in supreme authority. For the purpose of the argument, then, I place his glorious and beneficial Administration against the construction now contended for in those resolutions.

Mr. Chairman, permit me now to notice very briefly, some of the objections made to the bill by gentlemen on the other side. And the honorable gentleman, (Mr. RANDOLPH,) who is not now in his seat, and whom I hear always with the greatest delight, warned us, that the States could very easily put an end to this Government, by refusing to send Senators to the other House, and electing Electors for the President and Vice President of the United States. Sir, this Government may be dissolved in many other ways. The States might prevent the revenue of the United States from being collected, and also prohibit their militia from turning out to fight the battles of the country. And there are many other modes, which certainly would require no ghost to tell, by which this Government would lose its Federal head. But, I pray God, that those extreme cases may never happen. Sir, they never will take place while the people are virtuous and enlightened. That honorable gentleman again made another strong appeal to our fears, and brought before our imaginations the immortal Patrick Henry. Sir, the abuse of a delegated grant by no means proves that it should never be brought into operation. We might as well contend, that, because Congress has the power to create navies, raise armies, and lest, at any time, the power might be abused, you shall neither build a ship, or enlist a man, however strong and emergent the case might be. So, although you have the power to make roads, lest that power may at any time possibly be abused, you shall make none. Sir, this mode of reasoning would just exactly keep us where we are, unless in the growth and increase of children! All the powers granted to Congress are to be exercised with discretion and wisdom. It never was meant, that because Congress has the power to borrow money, raise a navy, and an army, &c., that she shall act contrary to the general welfare and security of the people. When this is attempted, the corrective is not in the Constitution, but in them. It could not then be the intention of the framers of that instrument, that all our revenue, for instance, should be lavished on roads for the purpose of having them as fine and splendid as in countries which have flourished these eight or nine centuries. No! We must act with wisdom, according to the means in our power, and improve and make our roads gradually. Another honorable gentleman from Virginia, (Mr. Archer,) admitted you had the power to establish the post office, but asked, with a kind of triumph, has Congress the right to build the house for the post office? Sir, it generally happens, that those appointments are given to householders, who keep the office in their own apartments. But I contend that Congress has the power to build the house, as a resulting and necessary incident to the grant, as she would have to provide for the clothing of an army after it is raised. For, you will remark, that the Constitution is silent as to the clothing, yet I take it for granted, that that part of the instrument which gives Congress the power to make laws "necessary and proper for carrying the foregoing powers into execution," never intended we should have a naked army, and our post office kept out of doors!

Another honorable gentleman from Virginia, (Mr. Rives,) who has, for the first time, favored the Committee with a very ingenious speech, has told you, that all the delegated powers given by the Constitution, were designed to result to the benefit of the whole, and contended, that the case put by my honorable friend, (Mr. Clay,) in keeping the river Mississippi clear of all obstructions for steam navigation, &c., does not apply. I think differently; for what will mutually benefit a part, will operate as an interest to the whole. It is not, however, necessary to demonstrate this position: for it must be admitted, that the establishment of good roads is of great benefit, in both times of peace and war, to all the States. The gentleman also contended, that military roads were not essential to the operations of war. Sir, whether they are essential or not, good roads are the means of facilitating the movements of armies, and will enable them to co-operate with each other; and may often be of the utmost importance to concentrate those armies with the greatest rapidity, at a given point. The gentleman was also pleased to talk of physical roads, and legal roads, and I expected to have heard something said, metaphorically, about moral roads! Sir, such refinement in reasoning on a great Constitutional question, is beyond my comprehension, particularly when I look at the words of the grant under consideration, and the end we ought to have in view.

But, it has been contended, sir, by gentlemen, in this debate, that, by assuming this power, you will encroach on State rights, and in time bring about a consolidation. And, it has been said, with a degree of triumph, that, if you pass this bill, with similar ones, you will assume the right of regulating the descent of property, and legislate on all the affairs of the States. Gentlemen may dismiss their fears on this subject. The mere local and municipal regulations of the States would have no charms in this House. Let us examine, for a moment, what inducement there could be to gentlemen to bring about a consolidation. For instance, would the gentleman from Virginia be at all willing to make laws about the inspection of tobacco, in this House, and all the other concernments of the State? And how would the gentleman like to have committees raised, gravely to inquire how much of the blue laws in a State were in force? Or, to come more nearer home, how would gentlemen like to be attending to petitions from different parts of the country, pro and con, on the subject of navigable streams, and then wisely enacting, that it shall be highly penal to throw up any fishing dams, or other obstructions, on such a water course, that would not drown a chicken? Sir, these are not the objects of ambition, nor of national legislation, and, in the nature of things, never can be; because there would neither be time or inclination, to attend to the local affairs of the States. Sir, it is the great questions on finance, commerce, war, and negotiation, that properly belong to Congress, and to which statesmen cling, and with them, ambition delights to dwell. And how, I ask, would a fine road, passing through the States, destroy their powers? But the jurisdiction that would be exercised by the United States, is another great bugbear held out. Sir, I would be perfectly willing that it should be considered that the States have complete jurisdiction over all crimes and offences committed on those roads. The improvements of the country ought not to be retarded a moment, on this consideration. In either jurisdiction, justice would be administered. But, on account of the vicinage, I should be in favor of the State courts.

I cannot, Mr. Chairman, think it is possible, that the framers of the Constitution ever intended to have any of the powers granted to Congress to be dependent and under the control of any other power on earth, and more particularly the Post Office Department. Now, it is said by gentlemen, that the State roads shall be the post roads. Well, I ask, what State or States, between this city and New Orleans, ever laid out a road directly to that point? None. The States, make roads from courthouse to courthouse, on which the mail is carried. And sometimes, instead of this road going directly to the southern point, it is carried to every point on the compass, to suit the convenience of the State. Such a state of things never entered the mind of those worthies who are the authors of this instrument. For, surely, no department in our Government is of more importance than this one. To insure the rapid and safe transportation of the mail, is of the first importance to any country. In peace, it carries the intelligence of the country, both of a civil and commercial nature; and, in time of war, of what infinite importance it is to the Government to know, speedily, by the means of roads and canals, the operations of our armies and fleets, and the movements also of the enemy. In the last war, much was lost, for the want of the facilities of rapid movements. Why, in a commercial point of view, a few hours of tardy motion of the mail, by reason of bad roads, may be the ruin of many merchants. How much more important is it, to have the means of rapid communications in time of war, when the liberties of your country are at stake. Let gentlemen pause, and reflect to what direful consequences their nice metaphysical reasoning may lead them. Disarm this Government of its legitimate powers, and, my word for it, your disjointed and jealous States would not remain any time in common concert. All the powers of a thousand Patrick Henrys, headed by my honorable friend, (Mr. RANDOLPH,) would not save them from a total dissolution.

I should now say a word as it regards the other branch of the subject, but this has been so ably discussed by the honorable gentleman from Delaware, (Mr. McLANE,) and others, that it would be trespassing too much on your patience to dwell much longer on it. "To regulate commerce among the several States," means a communication and intercourse with the States. This must be carried on by land and water. Then, there ought to be roads and canals. Who ought to make them? Why, Congress ought to have the power, for the general welfare and security of the whole; and the States, most indubitably, have a concurrent power. For, what is commerce? It is the exchange of one commodity for another. It is trade and traffic among the citizens of a State, and with the respective States. In this point of view, it is of infinite importance to agriculture. It would furnish the agriculturist with great facilities to market. Is not this of the first moment in this branch of our economy? And have not the arts and sciences, lately discovered still more important facilities to mankind in their intercourse with each other? And why not embrace them? Does not God and nature command us to do so? If the mail, for instance, can be carried from this Capitol to the city of New Orleans in six or seven days, by steam, would it not be the height of folly to continue it on the land route, that, at least, takes one month in its performance? But, sir, I shall detain you no longer on the Constitutional question. I believe you have full powers to pass the bill on your table. But the expediency of the measure is another and different question, on which the Committee, I trust, will pardon me in saying a few words. I certainly agree with the honorable gentleman from Virginia, (Mr. RANDOLPH,) that the public debt ought to be paid off before we get on a large scale of national improvements. Then, if we can retain a surplus, after meeting the current expenses, I say dispose of it in this way. But, sir, we have little encouragement to cut out more work, when we look at the Cumberland road. It has now been in progress for twelve or thirteen years, and not yet completed. Why not ask for as much money as will finish the surveying and making this road to its place of destination?

If the honorable gentleman from Virginia (Mr. MERCER) will exhibit an estimate of the probable expenses of tracing and surveying the ground of his contemplated canal, I shall vote for it with pleasure. I think the sum of thirty thousand dollars is too much in this bill. I am willing to begin this great work with twenty thousand dollars, although I would much rather have the work to be done specified in the bill. I have no idea of shifting our responsibility on the President's shoulders. We give him a gross sum of money, to be paid to engineers and others, whose interest it will be to expend the whole sum in surveys, &c., that may not be sought for (and, when inquired after, obliterated) for a century. And, indeed, in contemplating this subject, we ought to look to what the probable state of the Treasury will be two years from now.

As I am in favor of the principle of the bill, I am not very solicitous at what point you commence the great work of internal improvements. Although I am aware that less has been done for the West than any other portion of the Union, yet we shall not complain. It is submitted, however, with great respect, whether we ought not to finish the Cumberland road before we commence any other. When finished, it will display the powers of a great people, and command the admiration of strangers. This road will open a direct intercourse with the most remote parts of the Northwestern territory of the Republic, passing through six States from the Capitol. In a word, my opinion, as it regards the discretion of Congress in making roads, is this—I do not think it would be wise policy to make all the roads in a State, that might be required. There ought to be a great leading road from this city to the South, say New Orleans. Then one to the North; then to the East and West, in like manner. The States would take a pride in riveting the Union, in making fine roads to intersect and communicate with those of the Republic. In this way, we would be enabled to have intercourse with the most remote parts of the country. And, in times of war, those roads, called post roads, and not *military roads*, would afford the greatest facilities to the progress and success of our armies. Those great channels of communication, roads and canals, will be the means, no doubt, of drawing the States more closely together. It will be the great means of disseminating the intelligence of the country, with the rapidity of lightning, almost. It will awaken the dormant intellect and moral strength of the nation. In one word, it will be the cause of cementing and linking the States together, and, instead of consolidating them, it will more clearly mark and define the powers of each, and render them, I trust, perpetual; the General Government and the States moving on in the utmost harmony, each revolving in its proper sphere.

Mr. Spaight, of North Carolina, rose to express his opposition to the bill, and succinctly to give the reasons of that opposition. The lateness of the period of discussion, said he, ought, perhaps, to prevent me from saying any thing. I hope, however, the Committee will pardon me for trespassing, for a very short time, upon their patience. If this Government had sprung into existence from a state of nature; if it had derived its being immediately from the people; then, from its very nature, it would have the power contended for; it would have been inherent by the very formation of the Government. For, to create a National Government, would necessarily, unless restricted by the people, give it all the powers and attributes of sovereignty. These would arise necessarily, *ex vi termini*. But this is not the character of this Government. Instead of deriving its existence immediately from the people, it was called into being by sovereigns. It is the work of sovereigns—the grant of power by them for their own benefit and that of their people. As this Government derives its existence and powers by grant, it behooves the advocates of this bill to show that the Government has the power. To point out this power in the charter which gives it existence; to show it in the Constitution of the United States. I deny the power. If it is given, it is by express grant, or it is necessary and proper to carry into effect some expressly granted power. Is it expressly granted?

There is no clause in the Constitution mentioning that the General Government has the power to make roads and canals. But, sir, gentlemen say it is expressly granted to the General Government to make roads, for the Constitution gives Congress the power "to establish post offices and post roads;" and that, under the power "to establish post roads," Congress have power to make roads for the conveyance of the mail. That "establish" means "create," "make." All, however, agree that the power to make canals is an implied one. If we look for the definition of "establish," we find it means "to fix," "to build up," "to make firm." In my estimation, the meaning which is given it in that section of the Constitution, "to designate," "to fix," and "to establish post roads"—only gives power to designate or fix the route upon which the mail shall go; "to point out" the place from which it shall be carried, and the place to which it shall be conveyed. The Government, in its legislation upon the mails, gives it the same definition. Gentlemen rely upon the use of the word "establish," in the preamble of the Constitution, to strengthen their definition of the word. "To establish justice," say they, means create justice. Justice is the accordance of action with law; the concurrence of action with the rules promulgated for its government. It is coeval and co-extensive with law, divine, natural, and human. It is morally existent. To establish justice means to point out the means by which justice will be secured. In my opinion, gentlemen could not have selected a worse example to illustrate their position. Gentlemen say, Congress must have the power to make roads to convey the mail upon; for there may be no road, and Congress cannot, in that case, have the mails carried between such places as they may think necessary, unless they have power to make a road. In every country there will be roads; in every settlement the inhabitants must and will have the means of communication with each other. Roads must, necessarily, be made in every settled part of the country. The object of the mails is to diffuse information through the community, and the roads made in each community or settlement certainly afford an inlet for that information, for they abundantly afford the means of intercourse and communication. Suppose, say gentlemen, a State were to shut up her roads to prevent the mails from passing through the State—has the General Government power to make a new road, or to open the ones that have been closed? And, if it has not, a State could not prevent the General Government from exercising its powers. The case put is an extreme one. People would not, by shutting up their roads, be willing to deprive themselves of their advantages. It is not, however, the only instance in which the States can affect the General Government in the exercise of its powers. Sir, a majority of the States containing a minority of the people can put an end to this Government by not appointing Senators. This Government must depend upon public opinion for its support; and whenever public opinion is against it, and it loses the confidence of the people, it must fall—it can no longer exist. This must be the case with all governments like ours. There is no complaint that any road is wanted for the purpose of transmitting the mail; that there is any place of importance wanting a mail that has no road by which it can be carried to it. Where, then, is the necessity of exercising this power? Shall we, sir, make a road to carry the mail upon when it is not wanted, and then convert it into commercial or other purposes? Under a power we do an act, not necessary to carry into execution that power, but to effect another object.

Some say we have the power to make roads and canals, by implication from the power "to regulate commerce among the several States." From a power to prescribe rules under which commerce shall be conducted among the several States, (for, *regulate* means prescribe rules,) they contend we have the power to make channels of communication by which commerce can be carried on. To this I shall only say that, in this mode of construction, the Constitution may be made to have as many meanings as the ingenuity of gentlemen can give it, and as various as their different imaginations.

From the power "to raise and support armies," the power to make roads and canals is obtained. It is said, that in this extensive country, covering a vast surface, that, for the proper defence of the country, we ought to have means of giving facility and celerity to the movement of troops and to the transportation of the provisions for their use. That troops ought, with facility, to be moved to any point where they are wanted. That canals and roads would effect this object, and the conclusion is, that we have the power to make canals and roads. This is reasoning from the expediency of a measure to show its constitutionality. This might be the proper course, if this Government had its existence immediately from the people, to show its powers and the propriety of using them. But I should conceive, in this federative Government, it ought first to be shown we have the power to act; then, by showing the expediency of the measure, the propriety and reason for acting would be shown. We must, in acting, be within the scope of our powers; we must act according to the letter of our authority. By the Constitution we have the powers expressly delegated in that instrument, and those "necessary and proper" to carry into effect those delegated by express grants—no others. I would here observe, that, in the grant of sovereign powers by a sovereign, there ought to be a very strong implication to support the implied grant of a power; for, a sovereign cannot be supposed willing to diminish its powers and authority, especially by slight implication. To suppose this, is to suppose a sovereign willing to destroy itself, to commit a political suicide. There are roads in every direction of our country, made in every part of it, and they must necessarily exist as long as there are people in the country. These roads afford facilities for the conveyance of our troops from and to every part of the Union. The making of roads and canals is not, therefore, necessary for the movement of troops and the transportation of provisions, but only to increase the facilities. In saying what powers are given under the clause "necessary and proper to carry into effect" delegated powers, I would not require an absolute necessity, but I would certainly require a direct, and not a remote, relation. It should be a mean obviously suggested to the mind, as necessary and proper to carry into execution the power contemplated, having a direct and proper relation to it. I refer gentlemen to that excellent report of Mr. Madison's, on the Alien and Sedition laws, a part of which has been read by a gentleman from Virginia, (Mr. RIVES.) If we depart from the mode I have mentioned, and bring in expediency, as a means of interpreting and construing the Constitution, we make it every thing—we can derive from it authority to do any act we wish. It ceases to have that steadfast character which was intended to be given it. It ceases to be the guard of the people's and the States' rights, the landmark bounding the powers of the General Government, and those of the States. It swallows up every power. We should be careful in extending the powers of this Government, and curtailing those of the States. In most of the States, the rights of individuals are secured by a bill of rights—but, in this Government, there is nothing of the kind—nothing pointing out the rights of the citizen, and securing them from infringement by the Government, because it is federative in its character. The State Governments arise immediately from the people, and act directly upon them. In the construction contended for by the advocates of this bill, this Government may, at some future period, to carry into effect some granted power, undertake to regulate descents and the distribution of personal property; and, it appears to me, with as much propriety and right, as it can exercise the power now claimed. I would request gentlemen to pause—and, if they are not clearly convinced, beyond a doubt, they ought not to act. If they have the least doubt, they ought not to vote for this bill.

I promised not to occupy the attention of the Committee long. I have thus briefly given my opinions, and performed my promise.

Mr. P. P. BARBOUR moved to strike out the enacting clause of the bill.

Mr. TRIMBLE suggested that, as the House was very thin, and some members absent, who probably desired to speak on the subject, it would be proper to have time allowed for a call of the House, before the subject was finally acted upon.

A motion being made that the Committee rise—

The CHAIRMAN decided it to be out of order, the hour prescribed by a rule of the House having not arrived.

Mr. P. P. BARBOUR, disclaiming all wish on this, or any other occasion, to take advantage of a thin House to obtain a vote—more especially as such vote, if now obtained, would not be final on the bill, expressed a wish that, by general consent, the Committee would rise.

Before the question was taken—

Mr. A. SMYTH rose, and commenced a course of remarks in opposition to the bill, which he continued till four o'clock, when he gave way for a motion for rising.

The Committee rose, accordingly, and, having reported progress, obtained leave to sit again.

FRIDAY, February 6.

Mr. FORWARD, from the Committee on Manufactures, to which was referred sundry memorials upon the subject, reported a bill laying a duty on sales of merchandise at auction, and for other purposes; which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. F. JOHNSON, from the Committee on the Post Office and Post Roads, made a report on the petition of Elliot Rucker, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. **Abbot** offered the following resolution, viz:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, viz:

"That no part of the Constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of color into any one of the United States, contrary to the laws of such State."

The resolution was read twice, and committed to the Committee of the whole House on the state of the Union.

On motion of Mr. J. S. **Barbour**, the Committee of Claims were instructed to inquire into the expediency of allowing compensation to George Brooke, of Culpeper county, in the State of Virginia, for certain buildings destroyed by the enemy during the late war, in consequence of their occupation as a place of military depot by the militia of Virginia, when in the service of the United States.

Mr. **Cocke** laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House a copy of the report of the register of the land office in the eastern district of the State of Louisiana, bearing date the 6th day of January, 1821, together with all information from said register to the Treasury Department, touching said report; more especially copies of all information relative to any lands entered in the name of R. Martin, or his assignee; also a copy of the Secretary of the Treasury's communication laying said report before Congress.

The **Speaker** laid before the House the report of the Commissioners of the Sinking Fund, giving a detail of the measures adopted by them subsequent to their report of the 6th of February, 1823; which report was laid on the table.

The Message received yesterday from the President of the United States, in relation to spoliations committed on the commerce of the United States, was referred to the Committee on Foreign Affairs.

SURVEYS FOR ROADS AND CANALS.

The House then went into Committee of the Whole, on the bill for obtaining the necessary plans, estimates, &c., on roads and canals.

Mr. A. **Smyth**, of Virginia, resumed, and concluded the argument he commenced yesterday in opposition to the bill. His speech follows entire.

Mr. A. **Smyth** having taken the floor, said, he deemed the question one of great importance, as it went to fix the meaning of the Constitution. Nothing, said he, tends more to the security of liberty, than the certainty of the laws; and, of all laws, the most important are the fundamental laws of a nation; which should, therefore, be fixed and certain. This is the great advantage resulting to a nation from having a written constitution. A constitution is a law to those who govern. If its meaning is unsettled and uncertain, it is defective and useless. They who have no certain law, are in the same situation as if they had no law; and they who govern, and are bound by no law, are despots.

Let us inquire, said Mr. S., whether there are any precedents which ought to weigh with us in deciding this question. At the session of 1816, 1817, a bill passed both Houses, assuming, to a certain extent, jurisdiction to make internal improvements—perhaps, by the consent of the States; it passed at a late period of the session, without a full and deliberate discussion; and was presented to the President, Madison, so late that he had not half an hour to devote to its consideration. He rejected it, on the ground that Congress did not possess the power assumed. The passage of this bill, by both Houses of Congress, under such circumstances, forms no precedent worthy of regard. At the next session of Congress, this question was debated during eight days, and the honorable Speaker (Mr. **Clay**) was among those who, with great ability, maintained the power of Congress to make internal improvements, when resolutions, declaring that Congress has power to construct post roads and military roads, and to construct roads and canals necessary for commerce between the States, and to construct canals for military purposes, were severally rejected; and it was thus decided, by the House of Representatives, that Congress have not power to make internal improvements. This decision, as it was against the assumption of this power by Congress, ought to have been allowed to stand, as fixing the meaning of the Constitution, in this respect. But, in the session of 1821–2, a bill passed both Houses, on very little debate, authorizing the setting up of turnpike gates on the Cumberland road; it was rejected by the President, as assuming powers which Congress did not possess, and returned with his objections; and, after maturely considering those objections, this House, by a majority of 72 to 68, rejected the bill.

The honorable Speaker (Mr. **Clay**) has spoken of a difference of opinion which, he says, has existed between Congress and the President, as to the extent of powers conferred upon this Government by the Constitution. But no such difference of opinion has existed between the President and the House of Representatives, since the accession of the present Chief Magistrate. The refusal of the House, in 1822, to strike out the enacting clause of the bill for setting up gates on the Cumberland road, or even the passage of the bill, is not such an evidence of the opinion of the House as the final vote, on hearing and weighing the objections of the President. Thus, the weight of precedents seems to be in favor of those who oppose this bill.

Are there any opinions which, in deciding this question, we ought to respect? We have seen that two Presidents, Mr. Madison and Mr. Monroe, have each of them put his veto on a bill assuming power, in this Government, to make internal improvements. Those gentlemen were, each of them, members of the General Convention who, in 1787, formed the Constitution, and of that Convention in Virginia, in 1788, who adopted it. They knew the intention of those who formed the Constitution, and those who adopted it. In construing any instrument, it ought to be understood as those who entered into it understood it. No gentleman, deciding judicially on a contract, would interpret it any otherwise. With the most perfect knowledge of what the framers of the Constitution intended, Mr. Madison and Mr. Monroe have officially declared, that the powers now claimed for Congress were not granted. The opinions of Mr. Jefferson and Mr. Gallatin* have been declared to the same effect. If any names should be of authority sufficient to decide this question, these are.

By the construction of the Constitution now contended for by our opponents, all the specifications contained therein are useless. The power to declare war, alone, would, according to their mode of construing the instrument, carry after it all the other granted powers, and every other power that Congress should think fit to exercise. For every power, the exercise of which should have a tendency to make a nation powerful, might be claimed as facilitating, and therefore incidental to the power of making war. This construction would give to the General Government every power, except such as are expressly prohibited. It assumes that the incidental powers which this Government may exercise are not those included in the granted powers; but that they are all such as will, in any way, facilitate the exercise of the granted powers. Then Congress may regulate descents and marriages, with a view to make the nation powerful, as incidental to the power to declare war. This mode of construing the Constitution is the same by which the alien and sedition acts were justified; and it would equally justify any usurpation which a majority might determine upon. Let us hear the arguments by which, in 1799, the alien and sedition acts were justified. In a report then made to the House of Representatives, we find that the supporters of those measures said, that "The right of removing aliens, as an incident to the power of war and peace, according to the theory of the Constitution, belongs to the Government of the United States;" and that, "to remove from the country, in times of hostility, dangerous aliens who may be employed in preparing the way for invasion, is a measure necessary for preventing invasion, and of course a measure that Congress is empowered to adopt." And, with regard to the sedition act, they said that "a law to punish false, scandalous, and malicious writings against the Government, with intent to stir up sedition, is a law necessary for carrying into effect the power vested by the Constitution in the Government of the United States, and in the Departments and officers thereof, and consequently such a law as Congress may pass." Such were some of the arguments used to justify those unauthorized and tyrannical acts. The main question is the same now as in 1798—the exercise of implied powers not included in the granted powers. The people decided that those acts were unconstitutional, as well as inexpedient, and made an entire change in the administration of the Government, on the ground that the Constitution had been violated. The exercise of this incidental power, then, went to abridge personal liberty, and the people felt it. The exercise of incidental power, now proposed, invades the authority of the States; the State governments will feel it; and their opposition is as much to be avoided as the opposition of the people. The pretence then was, that the safety of the nation required those measures; the pretence now is, that the prosperity of the nation requires the measure proposed. But the nation was then safe without the alien and sedition acts; and the nation will now prosper without the passage of this bill.

Sir, there will arise in every nation, whose Government is not entirely despotic, two parties; the one in favor of extending, the other for abridging or limiting the powers of the Government. There will be found individuals of every shade of opinion, from those who favor anarchy to those who favor despotism. But a question relative to the extent of power has only two sides, on one or other of which all must arrange themselves; and it must be admitted that, on this occasion, we advocate the cause of freedom, while our opponents advocate the extension of power.

What powers did the people intend to grant to this Government? It has been said that this is a National, and not a Federal Government; but it is obviously a Federal Government in all its branches. This Government rests on the State governments; and their preservation alone shows this Government to be Federal. [Here Mr. S. read from the Constitution. "The House of Representatives shall be composed of members chosen every second year by the people of the several States.—When vacancies happen in the representation from any State."] But the question is, what are the granted powers? And it makes no difference in the extent of those powers that the representatives of the States in this branch are chosen by the people. I would ask whether an amendment of the Confederation, providing that the representation from each State should be chosen by the people, would have enlarged the powers of the old Congress? I contend that it would not; nor would that Government have ceased to be a Federal Government.

The Constitution was designed to form a Government with special granted powers, and relating, generally, to external objects. [Here Mr. S. read from General WASHINGTON's letter accompanying the Constitution the following clauses: "The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the corresponding Executive and judicial authorities, should be fully and effectually vested in the General Government of the Union.—Individuals entering into society must give up a share of liberty to preserve the rest."] The States gave up a share of their power, but reserved the residue. "All legislative powers herein granted shall be vested in a Congress of the United States." Between this Government and a consolidated Government, or that of a State, there is this difference—a State government possesses all legislative power (limited by reason only) which is not expressly withheld by the Constitution or Bill of Rights; but this Government possesses only the powers expressly granted to it by the States. This was the true construction of the Constitution before the adoption of the tenth amendment, which declares that the "powers not delegated to the 'United States by the Constitution, nor prohibited 'by it to the States, are reserved to the States, re'spectively, or to the people." You possess certain granted powers, and power to pass laws necessary and proper for carrying into execution those powers. But you claim incidental powers. If they are included in the granted powers, they pass; but, if they are not included, they do not pass. If the power claimed as incidental is a part performance, a part exercise of the granted power, it is included in the granted power, and given. Thus, by the power to raise and support armies, you may determine on the number and kind of troops, direct enlistments, prescribe an oath, make a violation of it perjury, punish desertion or seduction, and so on; that is, whatever is a part performance of the power, you may do; but you cannot exercise ungranted powers, because they would facilitate the execution of the granted power.

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* It is evident that the United States cannot, under the Constitution, open any road or canal, without the consent of the States through which such road or canal must pass."—*Gallatin's Report.*

It is important to understand what powers the Convention deemed *distinct*. They have considered a power to lay and collect taxes as distinct from power to raise and support armies; and that power as distinct from power to provide and maintain a navy. They considered powers to establish uniform laws on the subject of bankruptcies, to coin money, and fix the standard of weights and measures, as distinct from power to regulate commerce. It is not sufficient that the power which you claim as incidental is a kindred power, it must be an included power; for, if it is distinct, it does not pass. Is it seriously contended that, by the power to declare war, the powers to lay and collect taxes, raise armies, and provide navies, would pass? The Confederation had power to declare war, but no power to lay and collect taxes. Declaring war only changes the situation of the country; the war, when declared, must be carried on by those who have powers for that purpose. You are the agents of the States; your powers are to be construed strictly; you are not to despoil the State governments of authority which the States have not granted to you.

I will proceed to consider that part of the argument of the friends of the bill which claims for Congress the power to make roads, in virtue of the grant of power "to establish post offices and post roads." When a special power is granted, a more general power, which would have included the special power, is not granted. Powers not granted are retained; and the special power being granted, the general is retained. Here power to establish *post* roads is granted, this excludes you from claiming authority to establish any roads except post roads; for your power is special—to establish post roads only. This being a particular kind of internal improvement, it would seem that it was not intended you should have any thing to do with roads of other kinds, or with canals.* As your power is only to *establish* post roads, you have nothing to do with the *construction*, even, of post roads, unless it can be shown that to establish means to construct. If that is done, you will have power to construct post roads, but no claim to power to construct either military or commercial roads.

The word *establish*, like most other words, has various significations, according to the subject-matter in relation to which it is used. According to the best authority, *establish* signifies to settle firmly, to fix unalterably; to settle in any privilege or possession, to confirm; to make firm, to ratify; to fix or settle an opinion; to form or model; to found, to build firmly, to fix irrevocably—(a sense not in use;) to make a settlement of any inheritance—(a sense not in use.) But the example given in support of the signification, to form or model, is, "he appointed in what manner his family should be established;" which shows that it is not a forming or modelling by the hands that was meant. Let a hundred modern volumes be examined, it will be found that *to establish* uniformly means a determination of the will, and not an operation by hands. Words should be understood in the sense intended by those who used them. In what sense have the Convention used this word? We find in the Constitution, "establish justice"—"establish this Constitution"—"establish a uniform rule"—"establish courts"—"the establishment of this Constitution"—"an establishment of religion." The Convention have uniformly used this word as signifying an authoritative decision of the will; and when we say a thing is established, we usually mean by decree, judgment, or order of those having authority, or by an act of legislation—as to establish a title; to establish a will; to establish headquarters; to establish a court. When we say a road is established, do we mean by the overseer who makes it? No; we mean by the court which has decided where it shall be. The Confederation conferred the power "of establishing and regulating post offices from one State to another." The change in the wording of the clause in the Constitution seems to have been made to correct a solecism, and not to confer any additional authority. Was it ever understood that the Confederation had, by this clause, jurisdiction over the territory, and might take the soil and build a post office? I presume not. They might purchase a house for a post office, and hold it, under the laws of a State, as an individual might hold property. To establish a post office is to create an office with certain prescribed duties, which office is to be filled by the appointment of an officer to perform those duties. To establish a post road is to give a road a legal designation as a post road. Wherever the word is used in the Constitution, it means, to give legal existence.

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* See Journal of Convention, page 376. "Question. To grant letters of incorporation for *canals*, &c.—passed in the negative. Yeas—Pennsylvania, Virginia, Georgia—3. Nays—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina—8."

Let us see what was the contemporaneous construction of this clause of the Constitution by those who formed, adopted, and commenced proceedings under it. They were well inclined to exercise all their Constitutional powers. They understood that Congress were to adopt and use the roads of the States. This was the construction put on this grant of power by the generation who adopted the Constitution.

Sir, I propose to you a safe rule for construing the Constitution in time to come, which is this: Whatever was done and acquiesced in during an age—say thirty years from the adoption of the Constitution—let that be considered as Constitutional; but whatever was not done or not acquiesced in as Constitutional in that age, let it be held to be unconstitutional.

Those who formed, adopted, and acted under the Constitution, heretofore, have put a meaning on this clause which it is now too late to change. If we confine ourselves to the powers which have been exercised by our predecessors, and acquiesced in, there is no danger to the rights of the States or the people; but if we at this day claim and exercise new powers, we set a pernicious example to those who shall succeed us.

It will be well to consider the burden which you take upon yourselves, if you decide that *to establish* means *to construct.* You will undertake to construct all the post roads in the country. You have constructed one hundred and twenty miles of post road, but you established eighty-eight thousand miles of post road. You cannot decide that *establish* means *construct,* as to one hundred and twenty miles of road, but that it does not mean *construct,* as to the remaining eighty-eight thousand miles of post road. So, if *establish* signifies *construct,* you have passed laws for the construction of eighty-eight thousand miles of post road, and should cause it to be done without delay. Will not the States say that you have assumed the jurisdiction, and taken upon you the duty of keeping these roads in repair? Will they not withdraw from these roads the superintendents and laborers of the States, and the protection of the State laws? It may be expected; for, if the jurisdiction and the duty is properly assumed by you, it no longer remains with them, and your acts are the supreme law of the land.

You may establish post routes, and so may the States. They are not forbidden the exercise of this privilege, as they are to keep ships and troops in time of peace; and they might deem it expedient to circulate intelligence. Can you seize on all their roads, impose tolls, and exercise other paramount or exclusive jurisdiction? What becomes of the rights of turnpike companies chartered by the States? The States claim and exercise power to alter roads not made by chartered companies, and to discontinue such as are useless. Does a road, as soon as you establish it a post road cease to be under the jurisdiction of the State? Suppose that there is a contest before the State courts, which of two ways shall be established as a public road? Will the passing of your mail boy with his bag along one of them, decide the contest and establish that trace along which he passes? If you assume jurisdiction, the roads can only be altered and repaired under your authority. Leave the jurisdiction to the States, and let them repair and alter the roads at pleasure. The fact that you use eighty-eight thousand miles of roads, made by the States, shows that it is not necessary you should assume this authority. Wherever a mule carrying a bag can go, your mail can go. You fix on certain points, and between these it becomes the duty of the States to have some road. Your acts are the supreme law, and the State courts are bound thereby; but the intermediate trace between the points you designate let the States alter, repair, and control at their pleasure. [When Mr. S. had proceeded thus far in his argument, the Committee rose; on the 6th he continued.]

Having considered the argument of the friends of the bill, founded on the power given to Congress to establish post roads, I will proceed to consider their arguments founded on the power "to regulate commerce among the several States." It has been said that roads and canals will facilitate commerce among the several States, and therefore, as you have the control of commerce, you may construct them. If power to regulate commerce among the States will authorize you to do whatever will facilitate commerce, your power is unlimited. You may take upon you the interior police, and the administration of justice in the States; for, by so doing, you may facilitate commerce. But commerce is to be "regulated," and among the States; and this word "among," signifies *between* the States. It was so understood at the adoption of the Constitution. Mr. Madison, writing on this subject, says, "The defect of power in the existing 'Confederacy, to regulate the commerce *between* its 'several members, is in the number of those which 'have been clearly pointed out by experience." The power given to Congress is the same in relation to commerce between the States, as in relation to commerce between this nation and foreign nations. You may regulate commerce with foreign nations; but this gives you no power to regulate the interior commerce of this nation. You may regulate the commerce of one State with another State; but, this gives you no power to regulate the internal comerce of either. You may establish ports, license vessels, impose tonnage and other duties in the one case, and so you may in the other.

The gentleman from Delaware (Mr. McLANE) says, "The power given to Congress is a power which a State did not possess. I agree with him, that the power is such as a State did not possess.

A State could not, alone, regulate commerce between it and another State. This is the power granted to Congress which a State did not possess. But a State did possess power to regulate commerce in its own interior, and this power has not been granted to Congress. The Speaker (Mr. Clay) has argued that unless the power to regulate commerce among the States implies authority to foster, promote, and facilitate it, the clause is without a meaning; for, that Congress has no power to lay imposts and duties on the trade among the several States. The gentleman is mistaken. This Government may lay duties on articles imported from another State. The principal object of granting this power to Congress was, to take from the States authority over the subject, which had been exercised to their mutual injury. The friends of the bill understand "regulate commerce," to mean "facilitate the carriage of goods." Is this a fair construction? Roads and canals are means of carrying on commerce; but, are you to furnish the means of carrying on commerce—the ships, the carriages, the capital? It is for you to regulate commerce, to prescribe the manner in which it shall be carried on, not to provide the means.

Power is given to Congress to regulate commerce among the States, which otherwise must have been regulated by compacts or treaties between them, but such a power extends not to regulate commerce between different places in the same State. Can it be believed that by this clause power was intended to be given to Congress to execute a system of internal improvement? If it had been intended to grant such a power, would it not have been explicitly and effectually granted? Such a construction as is contended for, never entered into the minds of the Convention; and it is contrary to good faith to give to the language they have used, a meaning entirely different from that with which they used it. But, suppose that by "regulate commerce," you understand "make internal improvements," you will be restricted to such as are between the States; and what will this authorize you to do? Why, to make a bridge across the Potomac, the Delaware, or the Ohio, between the States. The power granted to Congress to regulate commerce among the States, is an exclusive power; it is clearly an exclusive power to regulate commerce with foreign nations, and with the Indian tribes; and it cannot be contended that the same word, in the same sentence, has several meanings. Whatever power may be exercised under this grant, you may exercise exclusively. If, by this power, you may interfere with the internal commerce of a State, you have exclusive jurisdiction over the whole commerce of the country, not only between the States, but between county and county, village and village, man and man. And what is this commerce, of which you have exclusive jurisdiction? Why, every sale of property that is made in the country may be considered as commerce, and under your regulation. What authority will be left to the States? Will not this be consolidation?

It is contended that you may make roads and canals by your power to make war. Does authority to direct the force of confederated States carry with it the interior police of the confederated States? Does the Emperor of Germany, by his power to direct the force of the Empire, make internal improvements in Saxony and Wirtemberg? I have never understood so. Did Napoleon, as head of the Confederation of the Rhine, claim such a power? No; he expressly disclaimed the good that the German Princes should effect in their respective States. The old Congress had power to make war, but never claimed, as incident, power to make roads and canals. Our experience in two wars has proved that this power is not necessary to the General Government. It is not a means of defence. It suited conquering Rome to have military roads leading to all her frontiers; but it is no advantage to an invaded nation. The same roads on which Bonaparte marched his armies to invade Germany, led the Russians and Germans to Paris. I cannot agree with the honorable Speaker (Mr. Clay) that the General Government possesses no power in war that it does not possess in peace. Many things may be lawfully done in the prosecution of war, that would be altogether unlawful in time of peace. In war, every thing is lawful that is indispensable for the safety of the nation. "The safety of the people is the supreme law." During the war of the Revolution, Norfolk was burned by our own force. Would that have been lawful in time of peace? Did not General Washington propose to burn New York, that it might not afford Winter quarters to the enemy? Yes; and he would have burned it, had not Congress decided otherwise. We have seen the Emperor of Russia burn his capital, that it might not afford Winter quarters to an enemy. But I cannot agree that, in time of peace, the General Government may do every thing that it may do in prosecuting war. I have no doubt that, in prosecuting war, the President might order the public force to make a road or a canal wherever he found it necessary; but the measure would be temporary, and no jurisdiction would be assumed. The preparations for war, which you may make in peace, are prescribed by the Constitution. Your power is to make war, not to govern the highways. We have been told of precedents; we have directed the making of a road in Arkansas. In that territory, we yet hold the empire, the high domain, and do not violate the jurisdiction of any State. But are the roads and canals, which you would make, really intended for military purposes? No; they are intended for travelling and commercial purposes; and it is a pretence to say that you will make them by your power to declare and prosecute war.

It is contended that, by the power to lay and collect taxes, to provide for the common defence and general welfare, we have power to appropriate money to make roads and canals. I cannot agree that we may thus appropriate the public money. We hold it in trust, to be used in carrying into execution our Constitutional powers; and for no other purpose. The common defence and general welfare are to be provided for by the execution of the granted powers. The power to raise money is unlimited; but the power of appropriation is limited; and if at any time more money is raised than the execution of your Constitutional powers requires, it must remain unexpended until it is wanted to aid in the execution of some Constitutional power. The gentleman from South Carolina, (Mr. McDUFFIE,) while he admits that the words, "to provide for the common defence and general welfare," were intended as a limitation of the power to lay taxes, contends that the terms used are so general that there is no limitation. Be it so. Strike out this intended limitation. You have then an unlimited power to raise revenue. But the money of the people can only be drawn from the Treasury by law, and all laws must be pursuant to the Constitution. You have power to pass all laws necessary and proper for the execution of the granted powers; but an act which shall appropriate money to the execution of a power not granted, would be a violation of the Constitution. It seems to me, that a claim of power to raise money to any amount, and to expend it on any object that Congress might choose to select, to which the Constitutional powers of this Government do not extend, is most unreasonable.

I admit that money may be necessary, and lawfully expended, in many cases where you assume no jurisdiction over the territory. You may procure ship timber for the Navy, but you cannot assume jurisdiction over the country where it grows, and pass forest laws. Money may be expended for carrying the mail, without assuming jurisdiction to make the roads along which it is to pass. It is said that we have established a military academy, built sea-walls and lighthouses, set up beacons and buoys, and we are required to show by what granted powers we have made the appropriations. You have power to raise armies—officers are necessary; and this power may justify your appropriations for the military academy. You have power to maintain a navy; to maintain, is to preserve; and this power will justify your appropriations for sea-walls, lighthouses, beacons, and buoys. But you have mede the Cumberland road. True; you did so in performing a lawful compact. You had power to dispose of the territory of the United States; this implied a right to fix the terms. You had power to make regulations respecting the public property. These powers authorized your compact, and consequent appropriations. A gentleman from Pennsylvania (Mr. STEWART) said that you had passed penal laws, and made quarantine regulations. You have power to legislate; and penal laws are the necessary sanction of legislation. Quarantine regulations are authorized by power to regulate commerce. A gentleman from New York (Mr. STORRS) said that by your power to coin money, you had purchased a house in Philadelphia. A house was necessary; but you assume no jurisdiction. You hold your house under, and protected by, the laws of Pennsylvania. But if you make internal improvements, you assume jurisdiction, and the domain.

The gentleman from South Carolina (Mr. McDUFFIE) informs us that the President, Madison, recommended the establishment of a national university. If the gentleman deems the opinion of Mr. Madison authority, why does he not respect his veto put on a bill for making internal improvements? But the recommendation of Mr. Madison was to establish a univerity in this District, where you have exclusive jurisdiction. You have since actually established a college, but without making any appropriation. If Mr. Madison intended that the university should be endowed, he might intend that it should be done by the power to dispose of the public lots; as schools are provided for in the Western country. The gentleman speaks of the monuments erected to distinguished men. Another gentleman (Mr. STEWART) has spoken of pensions. The appropriations for both of these may be regarded as the payment of a debt. "The asylums," says Vattel, "prepared for soldiers and reduced officers, who are grown old in the service, or whom fatigue or the enemy have rendered incapable of providing subsistence for themselves, may be considered as a part of the military pay. The splendid structure, and the ample provision, made in favor of invalids, both in France and England, do honor to the sovereign and the nation, which thus liberally discharge a sacred debt." The gentleman from South Carolina (Mr. McDUFFIE) spoke of the appropriation of fifteen millions for the purchase of Louisiana. That appropriation was authorized by the Constitution. We have authority to pass laws necessary to carry into execution the powers vested in any department or officer of the Government. The President, with the advice of the Senate, has power to make treaties; and we have power (I speak not of obligation) to pass appropriation laws to carry them into execution. If the gentleman will show a power to make internal improvements, as clearly as I have shown the power to appropriate money to carry a treaty into effect, there will be an end of the controversy.

A powerful appeal to our sympathies has been made by the honorable Speaker, (Mr. CLAY,) on behalf of the people of the West. If this is to be a general measure, not partial to any portion of the community, I see no reason why a particular appeal should be made to us on behalf of the West. Does the gentleman mean that whenever a fort shall be built in Boston, or elsewhere, on the seaboard, that a like sum must be expended on roads and canals in the West? The gentleman says that if we omit to make internal improvements, he believes the Union will be shaken to its centre. But why does the gentleman complain on behalf of the West—"the poor West?" What is there to afflict the intelligent and enterprising people of the West? Have they not the finest country under Heaven on which to exercise their industry? Do not the people of Kentucky possess ten thousand square miles of land superior to the best one thousand acres that ever was found in Palestine? They pay no taxes to this Government except what they voluntarily pay as consumers; and there has been no limit to the liberality of this Government to the Western people. So long as civilization remains in the Western country, and the titles to lands are traced to this Government, an imperishable monument of its liberality will remain in the donations for the use of schools. Not less than twenty thousand square miles have been allotted to this purpose in eight new States and Territories. Twelve millions eight hundred thousand acres of land, worth sixteen millions of dollars! This is a durable evidence of the kindness of this Government to the people of the West. You have made the Cumberland road, for the Western people only, at an expense of near two millions of dollars; you have made various other roads in the Western country; you have given more than seventy thousand acres of land to make a road in Ohio. The people of the West have only had to ask and have; when they had embarrassed themselves by purchases of lands, they were released from the contracts as far as they desired, and further time given to pay what remained due. Why, then, do the citizens of the West complain? The gentleman says that Kentucky, Ohio, and Tennessee, are now the chief emigrating States; it is their citizens who purchase the lands of the United States—an evidence of their prosperity. One million and a half paid annually, for Western lands, will not impoverish the Western people, if they receive annually a greater sum. By a paper before me, it appears that three thousand ninety-one horses and mules, forty-four thousand seven hundred and ninety-eight hogs, and a number of beef cattle, the whole estimated at upwards of $700,000, have passed the ford of Cumberland river, from Kentucky; and it is supposed that stock, to a like amount in value, has left the State by other routes. Here, then, is the million and a half received by a single State for live stock only. What must be the amount received by all the Western States, when, to the price of their stock, is added that of their hemp, their flour, their bacon, and other produce? The live stock here enumerated, has left Kentucky by a road leading through my district, on which no public moneys have been expended, but which has been made and repaired by the labor of the people.

Sir, I cannot agree with the honorable member from Kentucky, (Mr. Clay,) that there is any danger that the Union will be shaken by the discontent of the people of the West. The time has been, when a Carondelet, and a Wilkinson, a Burr, and a Blannerhassett, could disturb the tranquillity of the West; but that time has gone by. The gentleman (Mr. C.) said that the Cumberland road had not yet gone into any Western State. It has gone as far as is necessary; and yet it is a road for the people of the West. It has gone to the Ohio river, the great Western highway, by which you may pass to any of the Western States. A gentleman from Pennsylvania told us of a great advantage arising to the Government from the Cumberland road; we get the mail carried thirty dollars a mile cheaper than formerly; but this road, one hundred and twenty miles in length, cost us near two millions of dollars, the interest of which is near one hundred and twenty thousand dollars, or near one thousand dollars per mile; thus, you lose, annually, one thousand dollars per mile, the interest of your money, besides the cost of repairs—and you save thirty dollars a mile in the expense of carrying the mail! Such is the economy recommended by the gentleman.

I have heard it said that the lands set apart for the use of schools, were not given by the Government; that they were paid for by those who purchased the adjacent lands. This I do not admit. I much doubt whether the purchasers of the Western lands would give a shilling more for a quarter section, in consequence of your donations for schools. If you were about to sell a farm of three hundred and sixty acres of land, do you think that you would improve the price by previously laying off ten acres of it, and conveying those ten acres for the use of a school? I should expect you to make a proportional reduction in the price of your tract of land.

The navigation of the Mississippi may be improved, without assuming power to make internal improvements within a State, and thus encroaching on State jurisdiction. That river is nowhere the property of a State; it forms a boundary to States, except in Louisiana; and there you have reserved the navigation. By your power to provide and maintain a navy, you have only to build a gunboat at Louisville, and, in your descent to the ocean, clear the Mississippi of every snag and sawyer that obstructs the navigation.

Roads and canals are said to produce beneficial effects. Well; the States have reserved the power to make them. Shall we not leave to the States the power to do good, which they have reserved to themselves? Shall we arrogate to ourselves all power to do good? Shall we manage the agriculture of the country, the fisheries, and the commerce? The gentleman from South Carolina talks of the necessity of convenient ways of communication between the East and West. They are made already. The New York canal has opened the communications between all the States north of the Ohio river and the east. Pennsylvania has connected the Ohio and the Delaware, by excellent turnpike roads. You have made the Cumberland road; and while you are debating, the Legislature of Virginia have passed a bill incorporating a company to connect the Ohio with the Chesapeake. That State has also nearly completed the communication between the Ohio and James river. So the argument of the gentleman, in favor of the ways of communication between the East and West, comes too late.

The scheme is deceptive While you appear to confer benefits on the States, you do but take their money with one hand, and give it back to them with the other. I should like to know how much of the appropriation proposed by the gentleman from Pennsylvania, (Mr. Stewart,) would come to the share of Illinois or Mississippi. Would it enable one of those States to make half a mile of turnpike road annually? I presume it would not, at the Cumberland rates. You will give New

York a share, but you will decide where it shall be expended; and you may make a canal that, instead of being a benefit, may be an injury to the State. I find, in a newspaper, these remarks respecting the proposed Susquehanna canal: "They 'are all alive in Baltimore, and indeed through- 'out Maryland, on the subject. Should the Co- 'nawago and Baltimore canal be completed, the 'interest of Philadelphia will be seriously injured." Let the States beware of the consequences of the power of internal improvement being assumed by this Government—as improvement, in one section of the country, may tend to the injury of another. Virginia, blind to the consequences, has decided hastily to expend her resources in opening the Ohio and Chesapeake canal, although it must rival her great central communication, and divert the Western trade from her own cities. In Baltimore, they understand their own interests better—they oppose the Potomac canal, but patronize the Susquehannah canal, which will enrich Baltimore, while it injures Philadelphia.

Canals are not always profitable. A very unfair statement of the profits of English canals has been made, by keeping out of view the many which are productive of little profit. It has been remarked of the English canals, that none are profitable except those on which coals are carried. But, if canals are profitable, let the States, who have reserved the power to make them, take the profit. If they are not profitable, shall we, while we pay six per cent. for money, invest it in stock which may produce one-half of one per cent. dividend? Is it a pleasing thing to impose taxes on the people—to give their money away? Let the States manage this business. If they shall enrich themselves, they will enrich the nation.

Sir, this is merely a question of power—a question who shall collect a revenue, and possess the power and patronage attending its expenditure. It will soon be found, that ten millions annually will be required; or perhaps 20,000 soldiers may be employed, in making internal improvements. You must greatly increase the number of your officers, for the management and protection of your roads and canals. You must have new courts or justices; and these must be appointed for life, and have fixed and adequate salaries. The exercise of this power will produce discord. One city will ask you to make a canal—another will oppose it; and thus your deliberations will be agitated by the contentions of opposing interests. It is admitted that the powers of this Government are conferred for the general good; but every road or canal must be of local concern. Even the New York canal, the greatest undertaking of the kind that has been or will be undertaken, is only beneficial to a part of the nation. A fortification at Boston, or New Orleans, is for the protection of the nation. Our fleet, wherever built, sails for the nation You call the Cumberland road a national road, but, unless you mean that it was made with the money of the nation, it no more deserves the name, than the road which leads through my district to the Western States, which has been made by the laboring people.

If you undertake this system of internal improvement, your money will be wasted by improvidence and extravagance. Look to the Cumberland road, which has cost $15,000 per mile—$40,000 apiece for bridges that might have been dispensed with. No money is thus squandered, except the money of the United States. Do you govern this District, wherein you have exclusive jurisdiction, so well, that you ought to assume jurisdiction over the interior police of the States? You have left these people to be governed by the obsolete laws of Maryland and Virginia. You have given them no system of police. You will not be able to arrive at your lodgings, without being assailed by beggars—and yet you will take upon you the whole interior police of the country.

The gentleman from South Carolina, (Mr. McDUFFIE,) tells us, his State has expended a million of dollars on internal improvements, to little purpose. That is to be regretted. The money might have been better laid out, had the proper means been taken to procure information. Virginia has succeeded better. A report of the Board of Public Works, which I have before me, says, that, "Whilst the territory of the Commonwealth 'abounds with objects of valuable internal im- 'provement, in every district, the fund appropri- 'ated for that purpose is adequate, upon the prin- 'ciples upon which it is founded, to give effectual 'aid to such improvements, to the full extent of 'the demand which can probably be made upon 'it." This shows what any State may accomplish. Let the States be convinced of the advantage of roads and canals, and they will make them.

Sir, this Government rests on the affections of the people, and the confidence of the State Legislatures. Whatever has a tendency to alienate that affection, and diminish that confidence, has a tendency to weaken the Union. These States are not held together by the sword. Let gentlemen be cautious how they assume a doubtful, a disputed power, lest they destroy the harmony between this Government and the States. The General and State Governments have been found to be happily balanced. But, an immense increase of the internal power of the General Government will derange the balance.

And, if we had the power, our situation is not favorable to the commencement of this system. We have a large debt to pay, a navy to build, and fortifications to complete. A contest is depending for the rights of man and the independence of nations, into which we may be drawn. Is this a time to engage in schemes which may require ten or fifteen millions annually? Is this a time to seize on powers, as to which there is an honest difference of opinion, many believing that their exercise will be acts of usurpation? No, sir. This is a time to draw strong and plain the landmarks of the Constitution, and thus strengthen mutual confidence. I shall vote in favor of the proposition to strike out the enacting clause of the bill.

When Mr. SMYTH had concluded—

Mr. GAZLAY, of Ohio, addressed the Chair as follows: The bill on your table, said Mr. G., contemplates the appropriation of $30,000, for the procurement of estimates and surveys for roads and canals. Against such a bill, requiring so small a sum for what he conceived to be a great national object, he could not have anticipated a single voice; and much less could he have anticipated that, to other objections, would be added unconstitutionality and danger to the Union. As to any danger, Mr. G. said, he would as soon have expected it from the common blessings—rain and sunshine. He called this a great national object, and, if it were not such, and if gentlemen could maintain that it is a local and sectional one, he was ready to vote against it. Commerce, agriculture, and manufactures, are greatly and equally promoted by the improvement of roads and canals. These are the great arteries of the nation, by which its extremes approximate and its wealth is every where diffused. They save labor and equalize the markets—they bring from regions of plenty, in some products, and pour into those of want. They are no less distinguishable in their character than in their effects, from most national works, inasmuch as they produce national wealth, while most others impoverish. All the national defences to which so many millions are devoted, such as ships, fortifications, and the like, in themselves, produce nothing. They impoverish. They are, to the treasure of the nation, much what luxuries are to that of an individual. It is vastly different with roads and canals. It was, Mr. G. said, a new theory, that the munificent and most productive national works were the most dangerous and the last to be undertaken. He believed a great majority of the people entertained opinions quite the opposite from this, and he hoped they would never yield them. Mr. G. said he had hitherto supposed that the principal inducement for giving sovereign power, was the attainment of great national objects, which no individual exertions were likely to attain. He understood that it was general interest and general security which formed the national cement. Take them away, and no civil union can be long maintained. He had supposed that every sovereign power was bound to guard and advance these great objects. But gentlemen in the opposite, Mr. G. said, seemed to think that the Constitution interposed to forbid us the exercise of this sovereign power; and, to prove this, they cite opinions given at the time of its adoption, and since. It was not public opinion, Mr. G. supposed, that was intended; for this, he believed, was ever the creature of circumstance and occasion, and always a correct standard. If correct then, it is now correct; and for the same reason that it was then correct. Public opinion, therefore, could be no evidence against itself. It is private opinion that is most insisted on, and that which is expressed in the Federalist. And, it is said, that, inasmuch as the power to make roads and canals is nowhere expressly allowed, in that book, we have no right to exercise it. The opportunities and situation, as well as the talents and character of the writers, are urged, as giving resistless force to their authority or opinions. It must be remembered that they were but men, and, as our history abundantly proves, writing at a time of great excitement, no doubt with the purest and best of motives; but, yet, as partisans of a favorite measure—great in itself, yet violently opposed—a measure, in the adoption of which, the authors of the Federalist felt an interest deep as the fountain of life itself. It is no reflection on them, to say what was natural and proper—that the strongest features of power, in the instrument, should be lightly touched; while its weaker and less apprehensive ones should be brought out in the most engaging attitudes. The times forbade a fair and full exposition of its powers, in the same degree that the instrument itself forbade it. It is not to be supposed—it is not required of the human mind to judge correctly on any point, until it be presented with the facts and circumstances which attend upon its practice, and those which bear upon it at the time of giving such judgment. And much less can we expect correctness in anticipating political opinions, on principles of government both new to the age and new to the world. In this field we every where meet some unexpected combination or occurrence to mock our best discernment, and to confute our deepest speculations. Practice is the only safe ordeal for political constitutions or opinions. Was it ever foreseen by the writers referred to, that difficulties would attend the designation of the President, the provisions for which are as simple as any in the instrument? The very circumstance that we are this day in ardent debate on the meaning of the ordinary words in our language, used in that instrument, sets at defiance all former opinion of them.

To insist, said Mr. G., that reliance shall be placed on former opinions, in the discussion of a great political question, is to deny to politics what is allowed to every other affair of life. Where will gentlemen turn to avoid the progress which has accompanied every art and science since the adoption of this instrument? Things as absurd as a revolving world once was, are every day established as physical and moral truths. The existence and continuance of our Government itself, Mr. G. said, was a contradiction of the opinions and speculations of the most enlightened of former times. He was not prepared to give up the hope, that the progress of those political combinations on which it is founded, would result in great benefits to the world. He could not yield the right to judge of them as they deserved; and that, for the reason that others had judged before them. Mr. G. said, he thought the safest rule was to try the Constitution by itself, and where it gave power, not to refuse the exercise of it, from vain and imaginary alarm.

The consequences which gentlemen say will grow out of this measure, viz. consolidation of the general and degradation of the State governments, Mr. G. said, must be proved to threaten us, before he should withhold his vote on their account—he came to this House fully sensible of the importance of maintaining State sovereignty, and as well in the general sentiment of this body, as in the spirited opposition of gentlemen who use the argument, he was persuaded that the States had an abundant guarantee of safety. So far from apprehending danger from measures of internal improvement, he should advocate them with a firm conviction, that they would strengthen and support all the separate parts of the Union as separate parts, in the same and perhaps in a greater degree than they would cement and strengthen the whole. Mr. G. said, he thought this too plain to require an argument as to accumulation of power in the arm of the General Government, which is foretold as a part of the argument to show the loss of it by the States. Mr. G. said he had never understood that the power acquired by conferring benefits on the nation was ever dangerous, on account of its increase, or by the frequency of its exercise; he always had believed that the reverse of this was true: and that ours must be the most singular of all Governments, if its war and taxing power were harmless, while the munificent and beneficial ones which it could exercise were dangerous.

Mr. G. said, he should not contend that the right to make roads and canals, is inferred or got by implication; but, that it is expressly given: if it were not expressly given it ought not to be exercised; he could not suppose that in reading our language, whether in the shape of a constitution, a deed, or other instrument, we had any other than the ordinary rules of construction, well known to its framers, as well as to most others; and the rule he understood to be that, to find their meaning, words must be taken in their ordinary acceptation; and if they then give power or allow a thing to be done, it may be done, unless there are other words which limit or restrain such common acceptation, or show how they are to be understood differently; take a familiar example, almost every statute or act of our numerous legislative bodies contains some grant of general power, or right to do some particular thing, which is generally followed with the proviso or negative restraining the extent, to which such power or right might be carried. The same may be said of almost every contract or writing executed daily in the common affairs of life; by this common rule, Mr. G. said he would attempt to try some of the provisions of the Constitution.

The preamble is an important part of the instrument; it contains a recognition of all the legitimate objects of Government, as the basis on which ours was established; to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, &c., as far as language can embrace the powers and objects of Government; they could not be more ample than in this short preamble. That this preamble was not inserted out of mere idleness, he found sufficient evidence in the details of the instrument in which the same words were employed: example, eighth section of the first article treating of the powers of Congress, it declares the taxing and debt paying power; and then, that to provide for the common defence and general welfare, in the very words of the preamble; if these words mean any thing less than they express, viz: to provide for the common defence and general welfare, Mr. G. said he wished to know what they did mean—he would not attempt to answer the verbal criticism of gentlemen, used respecting them, but would submit to the common sense of every reader of the language. He conceived, that, if they had any meaning, it is, that Congress may provide for the common welfare, in relation to every subject, matter, or thing, with which they are intrusted, and in which they are not restrained by some other provision in the Constitution, and if they are restrained in the mode or manner as to any particular in part, then to all relating to the same in which they are not restrained. Now, the principal objects with which Congress are intrusted, are those of war, commerce, and revenue; all that is needful to promote those great objects, or required, as a provision for the welfare of them, the Congress may do; and where is the danger? What are the evils to result from this power? Those certainly, and no others, which may flow and result from the sovereign power of any Government; and if danger were a good argument in this, it is good against forming any Government or giving any power, and the only difference between the characters of the same powers given to ours, or to a king, or emperor, is in the organ who executes or carries into effect. Ours is perfectly safe, because it is executed by the immediate servants of the people, recalled at pleasure, to return to private life, and to sustain the weight of their own bad measures, if they adopt any. The other is executed without responsibility or control. Ours may be said to be the act of the people themselves in relation to themselves; the other, the acts of a superior in power in relation to the maintenance of that power. The one is perfectly safe, while the other may be highly oppressive. It is true, said Mr. G., that the exercise of this power involves a great degree of discretion, and so do all and every power given either to Congress or any other department involve the same degree. It is the misfortune, if misfortune it may be called, of our nature and the subject, which compel us, after all, to submit almost every thing to discretion.

The next inquiry is, said Mr. G., whether roads and canals can, on any view of the power, be considered as necessary to the common welfare or general safety in relation to the objects enumerated; and, if they are, Congress, for aught he could see, have the same power to construct them that they have to meet in the Capitol.

Why is a road or a canal necessary to the welfare of war, commerce, or revenue? Instead of answering a question which must be plain to every capacity, it may be asked why are they not just as much so as a ship, a fort, a lighthouse, or a national dock, a gun, or an armory? And, as there is no express power given to build or make these, why are so many millions appropriated for them? It may be answered that the general power of war and commerce include necessarily the power to do all and every act or thing, to provide for their welfare; and this is the true answer. And, can it be true, that a lighthouse is necessary for war and commerce, a fort or dock is necessary for the same, and that a road or canal is not—in other words, that war and commerce relate to the sea only? Here Congress have omnipotent power. They may appropriate millions of treasure, and enrich the sea and the seaboard, and its inhabitants; but to the land, the interior, and to its inhabitants, they can give nothing; they have no power. Can such an argument be maintained for a single moment? The Constitution says, "provide a navy," not build a navy. It does not say any thing of either providing or building docks, forts, or armories. It is true, the power to build these may possibly be inferred from the clause giving jurisdiction over them, in certain cases. But then this is an inferred power only, and gentlemen are opposed to all inferred power; and, Mr. G. said, he was equally opposed to it. The next clause in the Constitution which bore direct relation to the clause already insisted on, is that which gives to Congress the power to make all laws necessary and proper for carrying into execution the other powers, &c. This, if there could be a doubt as to what it was intended Congress might do, must effectually remove it. There is no less than three different places in the instrument where these general powers to accomplish the objects of the Government are expressly recognised and given. Mr. G. said, both as to expression and intention, he felt fully authorized to assert the power contemplated in the bill. But, it is not from these general provisions alone, Mr. G. said, that he drew the power to make roads and canals, but from others less general. The words "to establish post offices and post roads," and to "regulate commerce," Mr. G. said, were to his mind a conclusive gift of the purposes of the bill; and, on these clauses, gentlemen in the opposition had indulged in a verbal criticism, the extent of which he did not feel himself at liberty to follow. It was contended that "establish" means to point out and designate only; and that "regulate commerce" implies foreign commerce only, or exterior commerce. The greatest difficulty, Mr. G. said, into which gentlemen had fallen, was, that they appropriated a meaning to the words which was never before given to them; and he was not sensible of any greater evil that could befall the Constitution than to subject it to the rule of construction contended for. One gentleman gives this meaning, and another that meaning, to a word, each to suit his own views besure; but what becomes of the instrument? Why, it must remain without meaning. And this will happen to almost every clause of it; for every important word has several distinct meanings. Take that to "establish;" it has four meanings, one of which is to build. Now, which shall be adopted as the Constitutional meaning? Who is to decide this important desideratum, which, Mr. G. said, he was quite sure the makers never dreamed of? Mr. G. said he supposed that there was a safe, plain rule, and that was to give to every word all its meanings, which would not do violence to the context of this instrument. He could see no other rule; and, with this rule, the Congress have the power already contended for by the supporters of this bill. But, gentlemen say, if the framers of the Constitution intended that Congress should have the power, they would have inserted the very word "make;" and, not having done so, is evidence that the power was not intended to be given. This, Mr. G. said, was nothing more than a dispute about the choice of words.

But, if it were a good objection to one clause of the instrument, it must be good against all where the favorite words are not used. Let us see how this will end, by citing a few passages: "Each house may determine the rules of its proceedings." This is a very important power, and the word determine, in its strict sense, contemplates something in existence, on which to determine. Yet no one doubts that it gives the power to "make," although the word 'make' is not used. Again: the clause to provide for the punishment of counterfeiting, &c., does not say to make laws, or appropriate money, yet both are constantly done. To provide a navy is not saying to build or make a navy. To provide for calling forth the militia does not say to make laws for calling them. The words to regulate commerce or declare war, do not necesarily mean to build lighthouses, purchase territory, grant pensions, appropriate millions to foreign embassies, and other objects of the like, which no one word in the Constitution was ever pretended to mean. And yet these things are every day done, and most of them very properly done. If the gentlemen want strictness in the sense for which they contend, let them in good earnest apply it to every part of the instrument; and this House must repeal more than one half of the laws in our statute book. All the post office laws, all the pension laws, all the lighthouse laws, and all appropriations for post roads, and many others. The remainder unrepealed would be small, and Congress, in future, would not find any very serious difficulty with the internal concerns of the Union; they would be left mostly to themselves. It would be the sea, and foreign matters principally, with which they would be engaged; a little war occasionally, and, when it came, we could neither march or transport an army, or the munitions of war, to a given point, until the evil was committed, and the danger past. This may be a very strict construction; but he believed it was not such as would maintain either the interest or safety of the Union.

Again, Mr. G. said, gentlemen contend that the enumeration of particular powers, after general ones, operated as an exclusion of all general ones, and that, too, by the force of such enumeration, barely. Gentlemen, Mr. G. said, would gain nothing for their argument, if this proposition were admitted, for the same difficulty would yet remain, namely, to fix the construction of the different enumerations, of which some are particular and general, and some general in themselves. But, Mr. G. said, he denied any such rule. The gentlemen say, that a particular enumeration of powers, by force of its particular character, barely supersedes all foregoing general powers which may include such particulars. The rule which he understood to be the sensible one, was, that the negative enumerations excluded or superseded general powers or rights, which would have passed, were it not for such negatives, but not by force, barely, of their particular enumerative character, but by that of their negative character. And another rule is, that, when things to be excluded from general powers are expressly named as excluded, they operate as an admission of all others not so named by negative words. Now, if the arguments of gentlemen were true, all the negative words in the Constitution are useless, and without meaning; because, if the bare enumeration of powers, not so general as other powers, by force of their bare enumeration, were to exclude all such general powers, then the negative words can have no effect; or, if they have any effect, then, inasmuch as they are particular enumeratious, they exclude, as well without the negative words as with them. If this be true at all, it must be true in all cases, and then every and the smallest enumeration of any particular power would exclude all general power; and, as the Constitution professes to deal in general powers, some of which are more and some less general, and to rely for their exclusion in any particular case, on negative words, the consequence would be, that a smaller gift of power, by reason of its smallness, would exclude a general greater power. This, Mr. G. said, it appeared to him was neither sensible, true, nor safe. If the rule of gentlemen could obtain, the enumeration and negative would mean the same, and the reason why negative provisions were ever construed to imply powers not negatived, is because they can be fairly deduced from the general provisions, and without the limitation of negative words, would have no restriction—it follows, then, that general powers, given in general words, may be exercised, unless where restrained or limited by negative words. "To provide for the common defence and general welfare," to make all laws which may be necessary and proper, are powers as large and general as words could make them. And how are they restrained? Why, by negative words or provisions in the instrument, in a great number of instances, among which are those relating to rights of persons, property, and States, viz: Private property shall not be taken without just compensation, no bill of attainder, or *ex post facto* law, shall be passed; the judicial power of the United States shall not extend to any suit against a State. These, with many other negative provisions of the instrument, restrain, not only the power of Congress, but that of other departments; and, most generally, from doing acts in themselves odious, or which would lead to oppression. If Congress should pass a law to sue a State, this law would be a dead letter. And why? Is it because the right to do so is taken away by a particular enumeration of powers? No. It is by virtue of an express negative given to such right.

Mr. G. said, he should not pretend to answer all the objections urged by the opposition. His principal view was to persuade himself that the Government, among all its strong and hard powers, might safely and constitutionally include some of the munificent and good ones. He hoped we were not forbidden to confer some blessings, some solid and lasting evidences, that the general happiness and prosperity is not entirely left out of a system which it is said more than any other was designed to promote both. He was not now prepared to defend any power which, in its tendency, should endanger either personal or State security; and it would be in time to oppose the exercise of such an one, when an opportunity was offered for it. That now contended for was, in his humble opinion, of an entirely opposite character. He should, therefore, support it, as the first direct step towards a system which was inseparably connected with the wealth and happiness of the Union.

The situation of the West, Mr. G. said, had been often referred to in the course of the debate, and, not unfrequently, for objects which ought not, in his opinion, to enter into this or any other debate on this floor. He should consider the West as an integral portion of the Union, as inseparable from it, and indispensable to it—not as the West on account of itself, but as giving its due share of power and importance to a great Union, which would be less without, and, of course, greater with it—a portion of the Union now an extreme, but which was shortly to form the great centre.

This portion of country, Mr. G. said, was watered by some of the largest rivers in the known world, embracing an extent, variety, and fertility of soil, not any where surpassed; with a climate happily adapted to the pursuits of husbandry or manufactures; it is rapidly peopling, and, without including any of its Southern provinces, produces for exportation, annually, more than three millions of dollars value, in products. Its rivers, which form the channels of transportation, unite their waters with the ocean at one place only, and that at a distance from the Atlantic cities, almost equal to a voyage to Europe, and more than equal to one to many of her provinces. Instead of rivers which flow East, to facilitate an intercourse, the mountain interposes its barrier; all these give indications of the design of distinct and separate empire. Rivers which are the principal channels of transportation, swell periodically, and are then most favorable to the object. This crowds upon their waters all the products at once; they all have but one direction, and simultaneously meet at the same market; this is situated at an unhealthy point, in a low latitude, fatal not only to the products, but to the lives of those engaged in their transportation. These circumstances, unhealthy climate, its tendency to destroy the product, the quantity necessarily thrown in at one period, all tend to render it the most improper and unfit and dangerous market in the world, to say nothing of the immense loss of property which occurs annually; that of human life, is an alarming evil to the West; there is scarcely a district or neighborhood which does not contain the widows and orphans of those who have fallen victims to the necessity of seeking this market, and this the only dangerous one in the Union. The business of transportation in the West, is necessarily in a great measure confined to the farmers; the price is too low to warrant the employment of many agents in the transportation. The growers are obliged to construct cheap vehicles, and go in person to effect a sale. During the period of the European wars, the price was such as afforded a rich inducement for the enterprise; now it is frequently less than the expense of transportation. And yet the citizen, incited by that enterprise which is so much the character of an American, whom no difficulties can discourage, over bad roads and dangerous rivers, from the bosom of a wilderness, still seeks a market, distant almost as Europe—not from choice, but necessity. But while he is compelled to seek it, it must not be forgotten that his enterprise and industry must constantly languish. Another circumstance, more applicable to this portion of the Union than to most others, was the fall of its banking institutions, an almost total drain of its specie; while the East preserves a considerable abundance. And will any one pretend that the West is less industrious and economical than the East?

These, Mr. G. said, were not, to his mind, local evils, and local and sectional complaints. They were all national objects of the first magnitude, and those which grew out of national and general circumstances. What is the remedy for them? A union of the waters of the Susquehanna and Ohio, or of the Lakes and Ohio, removes all these evils; it prostrates the mountain barrier; it converts an unsafe and unhealthy and deadly market to a safe and enriching one; it raises enterprise; it diffuses industry and wealth, not locally, not to the West alone, but to the whole nation—to Georgia and Maine, as well as to the banks of Missouri, and in equal proportion. It must be known that the net products of the West sell for but little more than one-half of the price of the same products in the East; at the same time the citizen of the West pays a heavy per cent. higher for all imported articles, than is paid by those of the East. This operates as a twofold drawback on Western capital and industry; and are these not all national objects? Is it not at all times a national object to save the useless waste of millions, which can always be appropriated to promote useful industry? Must we not, said Mr. G., equalize our markets, by cheapening and facilitating transportation, before we can undersell Europe in manufactures? And can it be denied that roads and canals are the true and sure foundation of manufactures? If internal improvements are useful to agriculture, commerce, and manufactures, the fact of their being national objects is established; and then the argument, that they belong more properly to individual than to national enterprise, falls to the ground; for it is equally good against every national undertaking. The cost of a system of internal improvement is also urged as an objection. It is said that we owe a national debt, and that this must be paid, and a surplus revenue accumulated before we commence the system. Mr. G. said he wished that this very honest precaution had been thought of heretofore, when so many millions have been spent in useless objects, which he would not now name; and as for accumulation of revenue, that was not a law of the times; it had no place in our policy; and if internal improvements were not to be commenced until a surplus revenue was saved, he feared it would be a long period before their blessings would be felt; that he was anxious to see the debt paid and the revenue saved, and to attain the object, he should select a system of internal improvement. If this would not enable us to raise a revenue, he believed we should long remain poor; for he saw no other means which had not been tried. To this object he should, therefore, look with confidence. To this he was ready to devote a few millions, which, otherwise, would be lost. He was convinced that the interest, as well as the will of the nation, imperiously called for it, and that it should not be delayed a single moment.

When Mr. GAZLAY had taken his seat—

Mr. NEALE, of Maryland, said, he would not trespass long upon the patience of the Committee, which he had no doubt was an acceptable pledge at this late period of the discussion. But he would take the liberty to present, briefly, some of the conclusions to which his mind had been brought (upon the Constitutional question) in the examination which he had been able to give the subject, and to notice some of the arguments urged against the power of Congress to pass the bill under consideration. This Government, Mr. N. said, was a government of delegated powers—a limited government—but the limitation existed in relation to the number and character of the powers delegated to Congress by the Constitution, and not to the full and complete exercise of such as are delegated; to these he knew of no other limitation or check, but such as grew out of an exercise of a sound discretion in the public functionaries; and, for a proper and judicious exercise of such discretion, the conscience of each member, and the representative principle of our Government, furnish the only checks. In taking a view of the terms used in the Constitution, in the several grants of power to Congress, he did not believe more appropriate language could have been used to convey perfect and complete power to Congress over the several subjects mentioned. The terms used in the several grants of power taken in relation to the subjects specified, may be considered as convertible terms, and were intended to give to Congress full power over the several subjects mentioned, and over the necessary and proper means to carry such power into execution, to effectuate beneficial purposes. Mr. N. said, he would not disclaim any of the specified powers in the Constitution, to which the advocates of the bill had resorted, to show that the great objects looked to by the bill under discussion, were legitimate means to carry into execution such power, but he would deny the soundness of the argument drawn from the circumstance, that, as the friends of the bill selected different specified powers in the Constitution, to show that Congress had power to pass the bill, that the power, therefore, did not exist. Sir, said Mr. N., is it not obvious, and does it not frequently happen, that similar legislative acts are means necessary and proper to carry into execution various grants of power in the Constitution, and that the power of Congress to pass such acts may be fairly deducible from more than one of the specified powers contained in the Constitution; that, therefore, Congress has no power to pass such acts? In other words, it is saying that, because the power to act is given to Congress in more than one clause of the Constitution, therefore Congress has no right to act at all. Certainly such an argument is entitled to no weight.

In reference to that grant of power in the Constitution which says, "Congress shall have power to establish post offices and post roads," Mr. N. said he had heard much criticism and refinement in argument, which he could not believe a good rule to adopt in construing the Constitution; but let us, for a moment, look to what results this mode of reasoning will bring us. It is contended by some gentlemen who resist the passage of this bill, upon the ground that it would violate State rights, that the power to "establish post roads," means nothing more than to designate the road on which the mail is to be carried, or to impart a legal character to such road, which gives the United States the right of way over it, conceding, however, that the State through which such road may pass, would have no right to obstruct or destroy it, by which the right of way would be rendered useless; but that it would be a violation of State rights for Congress to make a road through any State.

Mr. N. said, it appeared to him that gentlemen gained nothing in favor of State rights by this distinction; for the States have as much right to obstruct or destroy a road within their jurisdiction as to make one; and by this designation, or legal character imparted to the road, the State through which it may pass is prohibited from obstructing or destroying such road, which is as much an encroachment upon her sovereign rights, as to make such roads; and, if it is contended that the States have a right to obstruct or destroy such road, then the powers of Congress are limited, indeed, and the clause of the Constitution just referred to ought to read—Congress shall have power to establish post offices and post roads, provided the State, through which such road may pass, will consent thereto.

These, said Mr. N., are some of the conclusions to which such refinement in argument will lead us, and which he thought pretty conclusive of its fallacy. But, said Mr. N., that grant of power in the Constitution, which appeared to him most conclusive in favor of the right of Congress to pass the bill under consideration, and to proceed in the great work of internal improvement, which it is intended as a preparation for, is that which says, "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" and here, for the purpose of presenting the view which he had taken upon this grant of power in as concise and brief a manner as possible, Mr. N. said, he would consider the subject of commerce in a three-fold point of view: first, foreign or external commerce, as regards the Union; second, internal commerce, as regards each particular State; and third, commerce among the several States, which may be denominated internal, as regards the Union, but external as regards particular States within the Union. Over foreign commerce, by virtue of the grant of power to regulate commerce, the Congress have always exercised complete control, and, consequently, over all the means necessary and proper to the exercise of that power, any part may be destroyed by prohibitory duties, or the whole by non-intercourse or embargo laws; and I presume it will not be denied that Congress may adopt the necessary means to originate foreign commerce where it does not exist, and all this in virtue of the grant of power to *regulate* commerce, precisely the same word that is used in relation to commerce among the several States. Again, said Mr. N., no one will deny that the States have power over commerce while confined within their respective limits; and it will be also conceded, that roads and canals are means necessary and proper, and (to use the expression of Mr. Madison's celebrated report) appropriate, also, to carry on commerce from one given point to another in the same State, and that these means are ordinarily resorted to for that purpose. Now, said Mr. N., as Congress have the same power over commerce among the several States as over foreign commerce, and as the States are prohibited by the 10th section of the 1st article of the Constitution from entering into any agreements or compacts with each other, which would be absolutely necessary to enable them to adopt judicious measures in relation to that branch of commerce, it seems to follow, as a necessary consequence, that Congress must have, and was intended by the wise framers of the Constitution to have, full power to adopt all necessary and proper measures to promote and carry on commerce among the several States, in as ample a manner as a State would have within its proper jurisdiction; and as roads and canals are the usual, necessary, and proper means adopted by the States, within their jurisdiction, it cannot be said that they are not necessary and proper means to carry into execution the power granted to Congress to regulate commerce among the several States. Again, Mr. Chairman, said Mr. N., if you deny to Congress the power contended for, to adopt all such measures as may be necessary and proper to regulate, to promote, to facilitate the commerce among the several States, that power is annihilated, it exists nowhere else in our Government, and it would follow, as a necessary consequence, that the power over those means so essential for promoting the wealth and happiness of this people, so essential to the well-being of all Governments, is not to be found in the United States, or in the States severally. Sir, said Mr. N., the conclusions to which I have been brought by this course of reasoning, is conclusive to my mind that the power granted to Congress, by the Constitution, to regulate commerce among the several States, gives to Congress the power to adopt the measures looked to by the bill under discussion, as necessary and proper to carry into execution such power. As my object in rising, Mr. Chairman, said Mr. N., was briefly to present some of my views of the Constitutional question which has been so elaborately discussed, I should forfeit the pledge I gave the Committee were I not now to conclude.

When Mr. N. concluded, a general call for the question resounded from all quarters of the House; when Mr. Livingston, of Louisiana, rose, and requested that the Committee might rise.

The Committee then rose, and, having obtained leave to sit again, the House adjourned to Monday.

Monday, February 9.

Mr. Webster presented a memorial of the Mayor, Aldermen, and City Council of the City of Boston, stating that, of late years, several islands, lying in and around the harbor of that city, and which constitute the safety and defence of said harbor, have been greatly injured by the action of the waves, and of tempests; by which the existence and utility of the harbor is much endangered, and praying the aid of the National Government in the execution of such works as may be found necessary for the protection of these islands from annual dilapidation from the ocean and from the elements; which memorial was referred to the Committee on Roads and Canals.

Mr. Webster presented a remonstrance of merchants, manufacturers, mechanics, and others, of Boston, against the passage of the bill now pending before this House, "to amend the several acts for imposing duties on imports;" the tariff of duties proposed by said bill, and the principles on which it is avowedly founded; as having a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.—Referred.

Mr. Cambreleng presented a memorial and remonstrance of the Chamber of Commerce of the city of New York, remonstrating against the passage of the bill now pending before this House, "to amend the several acts imposing duties on imports," as containing principles and details deeply and injuriously affecting the rights and interests of almost every class of the people of the United States.

Mr. Cambreleng also presented a similar memorial, from the importers and venders of hardware in the city of New York, so far as the interest of that branch of the foreign commerce of the United States is concerned.

Mr. Ingham presented a resolution adopted by the General Assembly of the State of Pennsylvania, entitled "A resolution for the better protection of domestic manufactures."

Mr. Poinsett presented a memorial of the citizens of Charleston, in South Carolina, against the passage of the bill now pending before this House, to amend the several acts imposing duties on imports; as calculated, in the opinion of the memorialists, most deeply to affect the great interests of the agricultural States, perhaps even to work their speedy and utter ruin.

Mr. Wright presented a resolution adopted by the General Assembly of the State of Ohio, expressive of their opinion, that further aid and more effective measures should be adopted by the Congress of the United States, for the promotion and protection of American manufactures.

The said memorials, remonstrances, and resolutions, were committed to the Committee of the whole House on the state of the Union, to which is committed the bill to amend the several acts imposing duties on imports.

Mr. Morgan presented a petition of sundry aliens, residing in the city and county of New York, praying that the laws upon the subject of naturalization may be so amended as to afford greater facilities to foreigners, who may intend to become citizens of the United States.

Mr. Cambreleng presented the petition of sundry citizens of the city of New York, on behalf of the aliens who have signed the petition last presented.

Mr. Kent presented a memorial of the Trustees of the Columbian College in the District of Columbia, praying Congress to grant them a loan of fifty thousand dollars, for the term of ten years, at the rate of six per cent. per annum, payable quarterly.

Mr. Farrelly presented a petition of Johanna Collins, of the District of Columbia, wife of John Collins, praying to be divorced from her said husband, on the grounds of personal abuse and ill usage, and having abandoned her without making any provision for her maintenance.

Mr. Kent presented a memorial of the President and Directors of the Provident Association of Clerks, in the City of Washington, praying for certain alterations and modifications, therein mentioned, in the act incorporating the said association.

Mr. Wright presented certain resolutions, adopted by the General Assembly of the State of Ohio, praying Congress to adopt measures for the gradual abolition of slavery, within the United States.

The said petitions were referred to the Committee on the District of Columbia.

Mr. Letcher presented a remonstrance of the State of Kentucky, against the decision of the Supreme Court of the United States, on the occupying claimant laws of the State of Kentucky; which remonstrance was committed to the Committee of the whole House on the state of the Union.

The Speaker presented a memorial of Doctor James Smith, late Agent of Vaccination of the United States, calling the attention of Congress to the alarming increase of the small pox within the United States, and praying that measures may be adopted for the distribution of genuine vaccine matter throughout the United States, by the appointment of a central vaccine agent, or such other means as may be deemed most conducive to the public welfare; which memorial was referred to a select committtee. And, Mr. Gazlay, Mr. Condict, Mr. Floyd, Mr. Abbot, and Mr. Eaton, were appointed said committee.

Mr. **Wright** presented a resolution adopted by the General Assembly of the State of Ohio, in relation to the three per cent. fund reserved from the amount of sales of public lands in that State. Referred to the Committee on the Public Lands.

Mr. **Campbell**, of Ohio, presented a memorial of the Columbian Institute, praying that a piece of public ground, in the City of Washington, therein described, may be granted to them, to be attached to, and made part of, their botanic garden; which was referred to a select committee; and Mr. **Campbell** of Ohio, Mr. **Breck**, Mr. **Holcombe**, Mr. **Kent**, and Mr. **Poinsett**, were appointed said committee.

Mr. **Francis Johnson**, from the Committee on the Post Office and Post Roads, reported a bill to reduce into one the several acts establishing the Post Office Department; which was read twice, and committed to a Committee of the Whole.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank, in Newport, Rhode Island," reported that, in the opinion of the committee, the said bill ought not to pass. The bill was committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act to extend the time limited for the settlement of private land claims, in the Territory of Florida," with amendments. They have also passed a bill, entitled "An act to revive and continue in force, an act, entitled 'An act fixing the compensations of the Secretary of the Senate, and Clerk of the House of Representatives; of the clerks employed in their offices, and of the Librarian; in which amendments and bill they ask the concurrence of this House.

The resolution laid on the table by Mr. **Cocke**, on Friday, was taken up, and agreed to, by the House.

Ordered, That the report of the Committee of Claims, on the petition of Henry Lee, be committed to the Committee of Claims.

Ordered, That leave be given to withdraw the petition and documents of Nathaniel Moffatt.

On motion of Mr. **Crafts**,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from St. Alban's, through Sheldon, to Berkshire, in the State of Vermont.

On motion of Mr. **Vinton**,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gallipolis, by Vernon Northup's, to Burlington, the county seat of the county of Lawrence, in the State of Ohio.

On motion of Mr. **Miller**,

Resolved, That the memorial of Warder and Brothers, attorneys in fact for the trustees of Fry and Spalding, formerly of the city of Philadelphia, which memorial is now on the files of this House, be, together with the accompanying documents, referred to the Committee of Ways and Means.

On motion of Mr. **Mangum**,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Raleigh, North Carolina, to Haywood, in the county of Chatham.

On motion of Mr. **Mangum**,

Resolved That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Raleigh, North Carolina, by way of the Fish Dam, Neuse, and Mount Tirza, to Roxborough.

MISSISSIPPI AND OHIO RIVERS.

Mr. **Wickliffe** offered a resolution directing an inquiry, by a select committee, what farther steps it was proper for the Government to take in relation to the improvement of the Mississippi and Ohio rivers.

Mr. **Wickliffe** stated that surveys and inquiries had been made on the subject, and were in possession of the proper department. The object of his resolution was to urge the Government to put those means into operation, of which they were already in possession. He was happy to find that even the oponents of the bill now pending on the subject of internal improvements, conceded that Government might, constitutionally, act on the improvement of the Mississippi. He would not detain the House with dilating on the importance of the measure to be accomplished, not only by those who were in the immediate vicinity of these rivers, but to the Union at large—the obstacles were such as might easily be removed, and whose removal would in a very short time repay its own expense fourfold.

After some conversation between the mover and Mr. **Cocke**, as to the reference of the resolution—

Mr. **Wickliffe** consented to withdraw it for the present, till further information was obtained.

SURVEYS FOR ROADS AND CANALS.

The House then went into Committee of the Whole, on the bill for obtaining the requisite surveys and estimates on roads and canals.

Mr. **Livingston**, of Louisiana, addressed the Chair as follows:

I would not, Mr. Chairman, said Mr. L., have obtruded myself at all on the attention of the Committee—most certainly, not at this late stage of the debate, but for an idea that has been frequently thrown out, sometimes in the tone of complaint, sometimes in that of reproach, but always with an assumption of the fact, that those who support this measure, do it without a due regard to the Constitution; that there are those in this House, (and they are spoken of as a body, having a common object, and common tenets,) who, to attain any great political object, think that the end justifies the means; and that the Constitution is to be disregarded whenever its provisions oppose that which their zeal and heated imaginations prompt them to believe is for the public good; that they (naturally enough, if such be their principles,) discourage all Constitutional objections, and think it idle to discuss them.

Now, sir, if there be any who support the bill on these principles, I must assure the House, and the nation, that they are not mine; if there be such a sect, of which I have no other evidence than the charges I have alluded to, it is a duty I owe to myself, to disclaim them and their tenets, to renounce all kind of community with them, and declare my utter abhorrence of the political doctrines that are attributed to them. Independent of the oath we have all registered in Heaven, to support the Constitution, there is such an absurdity, as well as depravity, in avowing a disregard to that Constitution, from which alone we derive our individual political existence, and pointing to any national object, however splendid, as a justification for subverting that, without which, neither it nor any of its institutions, can exist—as cannot, without a reproach to this honorable body, be supposed to attach to any of its members.

How far the discussion of Constitutional questions has heretofore been discouraged, I know not; but, for myself, I have always considered them as of the highest importance; and cannot believe that the time is ever lost, which is employed in examining the character and bearings and true construction of that excellent form of Government, which, I trust, is to connect us forever.

I stand, sir, in a situation, with regard to the measure proposed by this bill, that is not common to many, perhaps to none of the members of the Committee. This subject has been, in the Atlantic and Western States, one that occupied public attention for many years; it has been the object of discussion in this House, and of disquisitions in the papers, and in private discourse, until the arguments have become trite, and almost every individual, whose opinion is of any worth, has formed one on the question.

In the remote part of the Union where I live, the political questions which agitate the other States, do not acquire so intense an interest. The debates of Congress are not frequently republished; the people, in general, having the most unbounded confidence in the wisdom of the National Government, do not pretend to direct it by their suggestions; hence, it happens, that this great object was not forced upon my attention; and that, wholly absorbed by professional duties, and some of a public nature, closely connected with professional pursuits, I came here with no other than general impressions on the propriety of the measure now under discussion. I had no favorite system to support; no pride of opinion to gratify; but brought to the debate a mind sincerely open to conviction, and unbiassed by any prejudice; or, if I had any leaning, it was one which led me to guard against any assumption of power, by the General Government, in derogation of those vested in the States; a habit of thinking, acquired very early in my political life, one that was fostered by all my associations, as well as confirmed by reflection—and although I do not now apprehend so much danger from that quarter, as I once did, although I see none in the present measure, yet I am not disposed to yield the honor, the danger, or even the reproach, of protecting the Constitution and the State rights, to those who seem to assume the character of their exclusive defenders.

In this disposition, it was with unfeigned satisfaction I witnessed the recommitment of the bill, and that I listened to the very able and instructive debate that has ensued. The result has been, a perfect conviction of the expediency, and the removal of every doubt as to the constitutionality of the measure. If I entertained a doubt, sir, I should not act; and I agree perfectly with the gentlemen from Virginia, (Mr. S.,) that, if we have a doubt relative to any power, we ought not to exercise it. No powers are vested in the Government but those that are given; and, to assume one that we are not convinced is vested in us, is as great a breach of the Constitution, as to do that which the Constitution forbids. And, I repeat, that, if I entertained a single doubt of the power to pass this bill, I should vote against it.

With as sacred a regard for the Constitution as is professed, and no doubt felt, by any of the opposers of this bill, with as high a sense of the importance of preserving State rights, unimpaired, as any of them entertain, I proceed to the particular examination of the question before the Committee.

A great latitude has been taken in this discussion, which it does not become me to reprehend, particularly when I reflect on the pleasure and instruction I have received from the excursive debate. But, although I do not blame, I cannot follow all the ingenious views that have been taken of the subjects connected and unconnected with the question. I must, therefore, confine myself to that before the Committee—that is to say, whether we have the power to make such roads and canals as are necessary and proper, for transporting the mail, for facilitating military operations, or the commerce between the different States.

Most, perhaps I might with propriety say, all, who oppose the bill, have attributed a character to the measure which does not belong to it, and have then employed themselves in showing those characters to be unconstitutional or dangerous.

I will endeavor to strip the question of those adventitious features before I discuss it.

1st. It is assumed that the power claimed by the bill is that of jurisdiction, (exclusive jurisdiction, some say,) over the roads and canals that may be made.

But neither in the bill, nor in the opinions of those who support it, do we find any claim to such jurisdiction; it is found only in the arguments of those who oppose it. I did hope, in some of the speeches that assumed this ground, to have heard some argument, to show that such jurisdiction was inherent in the nature of the power, or that some express Constitutional provision made it so. If any thing of the kind has been attempted, it has escaped my attention. I did hear, indeed, that Congress had power to exercise exclusive jurisdiction over places that should be purchased by consent of the States for "arsenals, forts, and other needful buildings;" but the analogy between roads and such places, was not attempted to be shown; but, even if it had, no conclusion in favor of the necessity of such jurisdiction can be drawn from the practice under that clause—because, so far from being inseparable from the power to purchase and hold forts and arsenals, &c., the jurisdiction has, in point of fact, in most cases where such cessions and purchases have been made, been concurrent with that of the States—a large majority of those cessions having been made *sub modo*, some reserving one privilege and jurisdiction, others those of a different kind. An examination of the different acts of cession will convince the members of this fact. No argument to suit the present subject can be drawn from that clause in the Constitution. There is no analogy between the cases, and, if there were, the exclusive jurisdiction is not inseparable from the one to which they refer. Is there any thing in the nature of the power that requires this jurisdiction? Congress surely may make a road or a canal—may even pass laws to prevent their being injured—to secure the safe passage of their mail or military supplies over them, without having exclusive, or any other jurisdiction over the soil. Some of their penal laws now extend particularly to offences committed against the free passage of the mail. Some of them inflict capital punishment. They are duly executed. Yet no one has hitherto considered that, for this reason, the General Government had any other jurisdiction than that which is totally unconnected with any locality, which pervades all the States, and operates on the crime, no matter in what part of the Union it may be committed. Of this nature, are the laws against counterfeiting bank notes or public securities. To say, then, that, because it is necessary to pass laws for the protection of the roads, therefore a power must be implied to exercise jurisdiction over them, is to say that Congress have the same jurisdiction over every part of each State, because Congress has the power to punish infractions of their laws everywhere.

The idea, then, of an exclusive jurisdiction over the subject of this power, or of any jurisdiction at all, is wholly unfounded—unprovided for by the bill, disavowed by its advocates, not required by the nature of the power, and raised by the opposers to it, only from the dearth of more tenable grounds of opposition. Yet, strip the argument of this ground, which has been insisted on by, I believe, all who have spoken on the subject, and one-half, at least, of the opposition falls with it.

Secondly. Analogous to this is the idea that, in order to make a road, the property of the soil is necessary.

If it were, I do not well see what objection can be raised from this circumstance to the existence of the power; it might be an impediment to its exercise; individuals might refuse to sell, and then it would be a matter of discretion, whether to exercise the power given by the Constitution to take the property on paying an equivalent; but this belongs to the detail of a bill for laying out a particular road, but cannot be raised as an objection to the legality of the power.

The right to erect beacons and lighthouses is not questioned; and it must be admitted that the property of the soil is more necessary there than in the case of a road; yet, I well remember an instance, where the owner of a strip of barren land, near the lighthouse at Sandy Hook, refused to sell so much as was necessary for the erection of a beacon, without a very large compensation, (I believe one thousand dollars.) The Treasury refused to purchase, but erected the beacon without permission. The owner sued the collector, recovered heavy damages, and, finally, the United States were obliged to pay for the land double the sum at first required. Now, this difficulty might as well have been urged against the general power to erect beacons, as the necessity of owning the soil can be in the case of roads; but, in the case of roads, no such necessity exists; it may be exercised, leaving the property of the soil in the first owner, but burdened only with a right of way.

Let us discard, then, this suggestion, also, as one totally irrelevant to the question, or, at best, drawing our attention to details, when we are discussing Constitutional objections to the whole measure.

Thirdly. Another impediment to be removed, before we can come to a fair discussion of the subject, is, the play that has been made on the word "internal." First, the bill is improperly called a bill for "internal improvement." Then, the word "internal" is applied to the *interior* of the different States; and, after this ingenious process, we are triumphantly asked in what part of the Constitution we find the power to meddle with the internal concerns of the States? It is in vain that the advocates of the bill have told them—"Nowhere. That is not the power we contended for—that is neither the title nor the purpose of the bill." They still declaim on this objection; and the tendency of the argument is, that we must show an express authority to make roads and canals for State, not for general purposes; or, that the measure must be abandoned. I have thought it necessary to guard against the error that has pervaded the argument, by this perversion of terms, and to state that, so far as I consider the object as one tending to internal improvement, it is as applicable to the whole Union; and this improvement is not the primary object, the inevitable consequence of the exercise of our Constitutional powers, in relation to the carriage of the mail, the regulation of commerce between the States, and the facility of military operations, which alone, are the objects of this bill.

Fourthly. Again, it is insisted, the power necessarily implies that of creating corporations, with exclusive privileges and dangerous powers.

If I thought so, I should hesitate. I am, in general, no friend to those institutions, and I have always doubted the right of Congress to create them. The great exercise of this power, by incorporating the Bank of the United States, took place before I came into public life, and the renewal of its charter was made after I had left it.

How I should have voted, on either of those occasions, after hearing the discussion, I cannot tell; nor is it necessary now to anticipate what course it may be proper to pursue, as to any measure of that kind that may, hereafter, be proposed in relation to the subject of this bill. But, so far from acknowledging that my support of it should be considered as advocating this and other doubtful powers, I have no hesitation in saying that I consider the institution of banks, both under the State and General Government, as a principal cause of the embarrassments we have suffered, do suffer, and will suffer, while their operations are unrestrained; and that if, without injury to public faith, they could all be annihilated, it would prove a blessing to the country. This may seem a departure from the subject before us, but it was necessary to testify that my vote will not be founded on any assumption that the right of making incorporations is involved in that of making roads and canals. But, that this, with the other topics I have discussed, being supposed to be of more doubtful propriety, in the exercise, than that which is truly before us, were ingeniously attached to it, in order to impede its passage. Neither of these, then, is the question. Two present themselves under the proposed bill. Has the Government of the United States a Constitutional right to make such roads and canals as are necessary and proper for the transportation of the mail—for the giving facility to their military operations, and to the commercial intercourse between the States?

If they have, it is expedient to exercise that power, so far as is provided by this bill?

My assent to the affirmative of these propositions is given to the precise statement they contain, not to those which it has been deemed proper to substitute for them.

Having stated, with precision, what I consider to be the terms and extent of the power, the next inquiry is, What are its characteristics and its nature?

All legislative power must of right have residence in the people. In all independent and free States, the power is equally extensive, until they transfer it by Constitutional laws, or restrain it by compact.

In all the different States of this Union, the people, in the very act of Constitutional legislation, transferred all other legislative power to their Representatives, reserving to themselves the power of designating those who should make and execute the laws; and the ulterior power of organic legislation as often as changes should become necessary.

Under this distribution of the mass of legislative power, the States formed, first, a combination, growing out of a common interest, and held together by common danger, rather than by virtue of any express compact. Afterwards, by the imperfect league called the Confederation,—and, lastly, by the happy Constitution we now enjoy.

The first of these, the Confederation, involved in its formation a departure from principle: for, although it made a material change in the fundamental principles of each Government, the people were not consulted. It was adopted by the Legislatures of the different States, to whom the people had given, as we have seen, no right to alter their organic laws.

The present Government was differently constructed, and more legally established. A short review of its principal features may throw some light on the present question.

It cannot be ranked in any of the classes of government established by writers on that subject. It is neither a consolidated government nor a federative—but one partaking of both. A constitution *sui generis*, original in its conception, containing a most happy combination of powers, calculated to cover an indefinite extent of country, without danger of weakness or oppression, containing the means of adapting itself, by judicious amendment, to all the changes that time and circumstance may require, and already become the model by which foreign nations are forming their political institutions.

The features of consolidation are evident, first, in the formation of the Government. It is in the name of the people of the United States—it was submitted to them and received their sanction. Second, by its provisions. The people are represented, in one of its branches, in proportion to their numbers. Each man is a citizen of the whole nation. The army is the Army of the United States. The navy is the Navy of the nation. We have all common enemies—common friends. Our currency, our discoveries, our literature, our commerce, our weights and measures, are ours as citizens of the United States, independent of the State authorities. And, to give effect to these rights, we have a great national Judiciary, and an Executive power, belonging to the whole.

With all these characteristics of consolidation, it has others, and most valuable they are, of a federative nature. The State governments, although they did not finally adopt, yet gave it their previous assent, without which it would not have been submitted to the people. They are severally, and without any regard to their population, equally represented in the Senate. When the people disagree, they decide on the choice of the First Magistrate. And they retain the residuum of legislative power which is not vested in the General Government, or retained by the people.

Whether the powers in question are among those granted, or whether they were retained by the States or the people, is the question to be decided.

Legislative power, (I pray the Committee to pardon the didactic style of this part of my address to them; I speak with sincerity and humility when I say, that most, if not all, of them, are better able to instruct me, than I am to teach them any thing on this subject—but I am forced to define, because I have observed, that we do not at all use the same words in the same sense)—legislative power may be divided into political and civil powers.

By political powers, I mean such as have for their immediate object the regulation and welfare of the whole body politic, whether on its internal or its external concerns, and which acts on the whole mass of the people, in their aggregate capacity.

Civil power, such as acts immediately on the citizens, individually, for the protection of their persons, reputation, and property.

Political power must affect individuals in its operation, and civil power must ultimately, in its exercise, produce political effects; but the immediate operation of the one or the other, constitutes the distinction between them.

Frequent use has been made, in this debate, of the term municipal power. In its original and proper sense, this term meant the powers exercised by the conquered towns to whom the policy of Rome left the choice of their own magistrates, and the regulation of their interior affairs.

A more extensive signification has, however, been given to it, by Blackstone and others. They use it so as to comprehend every species of legislation, and include in the term municipal law, all laws but those of nature and of nations.

In this sense, it would include political as well as civil powers, and be as much too extensive, as, in its proper sense, it would be too confined for our purpose. I shall therefore altogether decline the use of the term.

The establishment of organic laws, is the first and most important exercise of political legislation. This, as we have seen, has in our country been exercised by the people, specially represented for that particular purpose. But other powers of political legislation are given to the Governments they have instituted. To which? The General or State Governments?

As a general rule, all political powers, (under this understanding of them,) which relate to the United States, as a nation, together with certain enumerated civil powers, were, by the Constitution, vested in the National Government.

All civil powers, with so many of a political nature as are necessary for the exercise of the State governments, are vested in the States.

What is the nature of the powers in question, most clearly political, and of that class which apply to the United States as a nation?

They act immediately for the benefit of the whole nation, and upon the whole mass. The carriage of the mail, the roads and canals for military operations, the facility given to commerce between the States, are all of this description.

They are, then, a portion of that general legislative power, which resided in the people. They cannot be annihilated, and must be found, either in the State governments, the General Government, or undisposed of, in the hands of the people.

It is not presumable that the people intended that these powers, so important to their convenience, to their happiness, to their very existence as a nation, should lie dormant. Some of them were exercised by the confederation of States, even prior to any compact. At the very moment when they sprung into political existence, they considered themselves as one people. Their declaration uses those very expressions, and by common consent their deputies raised armies, declared war, issued letters of marque, emitted money, built forts, and established a general post office. Nay, they even exercised the doubtful power of chartering a bank. Now, can it be supposed, I repeat, that a people, familiar with the exercise of these important powers, by the National Government, when this was found too weak, and they were called on to enlarge and strengthen it, should not only take from their national rulers, but absolutely annihilate any of those essential powers? This cannot reasonably be supposed; and if the powers be not found in the State governments, or in the people, they must be in the General Government.

But they are not in the State governments.

1. Because they exist only with the existence of the General Government. As they relate to no one State in particular, but to all, considered as a whole, no one State could exercise them prior to the union of all into one nation. If roads are necessary for the carriage of the mail or for military operations, or either canals or roads for facilitating commerce, it is the mail of the whole United States; they are the military operations of the nation; it is the commerce, not of one State, but between the several States as members of the Union. No individual State, nor any number short of the whole, therefore, could be the depository of this power. But, if it be a power resulting from a State right, each one must have a concurrent right and a concurrent power to do that which, from its very nature, can only be effected by one will. This involves an absurdity in terms. Therefore, on this ground, it is not a power reserved by the States.

2. It is not such a power, because its exercise by any one State would involve the right in that State of judging and determining what is for the benefit of the whole—a right nowhere given, and destructive of that equality which is the basis of the Union. But every right supposes a corresponding obligation. Hence, on the hypothesis that it is a reserved power still existing in the States, each one has a right which all the others must be bound to obey, and which yet each one of all the others have an equal right to counteract and disobey. To exemplify this: If the right to designate and make a post road for the United States be one reserved by the States, (each one possessing it, as we have seen, in an equal degree;) if any one State shall designate the route of the mail, and make a proper road for its conveyance, all the others must be under an obligation not to interfere with its exercise, or else it is no right. But the route, so designated, is inconvenient to one of the other States, who, by virtue of her reserved right, establishes another post road; which of these is the true one on which the obligation is to operate? This absurdity cannot be avoided by saying, as has been said, let each State make and establish the road within its own boundaries; because it is the post road of the United States, for the carriage of the mail of the nation, not a road for State purposes, about which we are speaking. A road may be very convenient for a State, and very inconvenient for the United States. A road

very necessary for the carriage of the mail may be, from natural impediments, too expensive to be made by the funds of the State through which it passes. In short, those who talk of State roads, and those who argue for the right of making a road for the mail of the United States, speak of totally different things, and under this misunderstanding the debate may be infinitely prolonged.

3. Again: the making the post road may be considered as a right, or as an obligation, according to its operation either as a benefit or an injury. If it be a right, there must be some power to enforce it; but there is none, and we have seen there is no corresponding obligation. Therefore, it does not exist as a right in any of the States individually.

If it be an obligation, in whom does the corresponding right exist? If in the United States, the question is settled, but in a manner the most injurious to State rights. If it be an onerous obligation on one State to make roads for the benefit of the whole, it is most unequal in its operation, as well as unjust in its principle; and therefore cannot readily be supposed to exist in either shape.

4. When we add to these reasons, drawn from the nature of the powers, those which result from the expressions of our national compact, and which clearly evince a design to vest them in the General Government, no doubt will remain that the States did not intend to retain the powers in question for their own exercise.

These will be more fully developed hereafter. At present I only indicate, as proofs of this renunciation, the clauses which give the regulation of the Post Office Establishment the direction of the national defence, and the regulation of commerce between the States to the General Government; the renunciation of any right to enter into any compact between the States without the assent of Congress, and the abandonment to the Union of all the common funds, without which no system of general improvement can be carried on.

For these reasons, it may be fairly concluded that the States did not intend to retain this power in themselves. Is it retained by the people? This inquiry is easily answered. We have seen that, in the formation of the State governments, the people vested in them all the legislative power, retaining only the right of making Constitutional changes, and of electing the administrators of their Government. But the power in question is a legislative power; therefore, the people did not retain it.

If, then, it be neither in the people nor the State governments, as it is a necessary power, it cannot be annihilated, except by express compact. It is not pretended that any such compact exists. It is not, then, annihilated, but exists somewhere; not, as we have seen, either in the State governments or in the people—in one or the other of which, by the 10th amendment to the Constitution, all residuary power is vested. Where, then, is it to be found? By necessary consequence, in the General Government.

This, sir, I shall now proceed more fully to show, premising that I bear constantly in mind the great principle with which I set out, that the General Government has no powers, and can exercise none but such as are given by the Constitution, and that all that is not given is retained by the States or the people. This would have been the true mode of testing the rights of the Constitutional power, if the 10th amendment had never been made. The people and the States gave. Whatever they did not give, they of course retain. Let me remark, that this amendment does not use the language inaccurately, in this debate, sometimes attributed to it. It does not say all is retained that is not *expressly* given; but, simply, "all powers *that are not delegated* to the United States, nor prohibited to the States, are retained," &c. To have used the word "expressly," would have been to violate all rules of construction, and to have rendered the Constitution totally inoperative. It was the design of the wise men who framed the instrument that it should be construed by the same rules that apply to every other grant; that the plain intent of the parties, to be gathered from the words of the compact itself, should govern; that the grant of a principal power should carry with it all its necessary incidents, and that the whole instrument should be taken together, in order to ascertain its true meaning.

These, sir, are the only rules of construction which I mean to use; this is the utmost latitude of argument I shall take, and I repeat again, that I disclaim any exercise of the power, unless I can show it to be *clearly granted;* and that, if I could think any constitutional State right violated by it, I should as instantly abandon my support of the measure, as any of those who now oppose it—being determined never, in any situation in which I may be placed, to yield to any man, or set of men, a title to the exclusive appellation of defenders of State rights, or of the Constitution.

The powers, of which this bill proposes the exercise, I conceive to be vested in the Government of the United States:

First, by necessary implication. They are political powers of legislation, having for their object the whole of the Union. If this be a true description of them, it was evidently the intent of the people to vest them in the United States, unless they intended to annihilate them. It has been shown, I think, conclusively, that they were not retained. But the nature of the powers in question is such as will not permit us to believe that a wise people intended to destroy, or suffer them to lie dormant. Can we suppose for a moment that powers to provide effectually for the transmission of the mail, for the march of troops, and the carriage of military stores, and rendering commercial intercourse easy between the different States, are such as were intended never to be brought into action? Yet, this must be the result of such a construction as denies them to the General Government; for, I repeat, the people have not retained them, and, by the compact we are construing, the States have deprived themselves of the power of exerting them. Therefore, unless they are found in the Union, they are lost, utterly annihilated. No, sir; powers so little liable to abuse, (I might, without exaggeration, say,) so incapable of being abused, productive of so much good, interfering with no civil right, so necessary to social intercourse, so essential to the maintenance of the Union, to its defence, and the common prosperity of all its members; such powers cannot be supposed to have been designedly annihilated, and we may boldly pronounce that construction of the Federal compact to be a false one which supposes it.

But the question does not rest wholly on an implied grant of power, however strong that implication may be. There is, on the fairest and best received rules of construction, a clear grant of each of the powers contended for.

Let us take them in their order, and not attempt, as has been erroneously imputed to us, to derive all the three powers from a single provision. We shall thus take away from the opposers of the bill the argument that its advocates must be wrong, because they have relied on different clauses of the Constitution for the power they contend for—an argument that arises only from the false position which it has been found convenient to assume. That the bill is intended to establish a single power, which they have denominated the power of making internal improvement; and because no authority could be found for this imaginary power, neither asserted in the bill, nor contended for by those who support it, we are told that no one of the different clauses, which have been relied on to authorize the different measures proposed, being sufficient to cover the whole, or to empower us to make a general system of internal improvement, in their sense of the word, therefore, the reliance on so many different parts of the Constitution is evidence of error, which is infinite in its aberrations from the singleness of truth. This is ingenious reasoning. But, to put an end to it at once, let us again go to the bill. It proposes no exercise of any one power, either nominally or actually a system for the internal improvement of the States. Its object is three-fold:

To provide the preparatory measures for hereafter making such canals and roads as are necessary and proper;

For the carriage of the mail;

For military operations;

And for facilitating the commerce between the States.

If we find an authority to effect each of these objects, in different parts of the Constitution, it will be sufficient for our purpose.

The clause respecting the Post Office power has been so often commented on, and every word in it so curiously dissected, that I shall not enter the lists in this philological contest. I take a broader ground, and, whatever may be the precise meaning of the word *establish*, in the language from which it is derived, or in the strict sense of its proper employment in our own, I ask any man of plain understanding to consider the nature of the power, the certainty that it cannot be exercised by the States, and the improbability of its being intended to lie dormant—then to read the following provision: "Congress shall have power to establish post offices and post roads;" and to determine for himself, whether this grant of power, made under such circumstances, was not intended to give to the United States the general direction, the complete control of the Post Office Establishment; whether any thing essential to its exercise was intended to be reserved; in other words, whether it was not a comple transmission of the power in all its parts to the grantees? If this be answered in the affirmative—and can there be a doubt that it must be—it follows as a necessary consequence, one repeatedly admitted in debate, (and indeed so clearly provided for in the Constitution as not to be denied,) that the incidental power of doing every thing necessary and proper to execute the principal one, passed with it. What is the principal power? The regular and safe transmission of the mail to every part of the United States. What is required for this transmission? Of necessity, roads; for convenience, good and direct roads. What does the bill propose? To provide such roads as are necessary and proper for the conveyance of the mail; therefore, demonstrably, logically, the bill assumes no power not given under this head by the Constitution. We do not assume the right of jurisdiction, nor the right of making roads where they exist. The true argument lies in a narrow compass; we have the right to transmit the mail, it cannot be transmitted at all without roads, nor conveniently, without good and direct roads. Therefore, by virtue of the ancillary powers expressly given, we may make roads where there are none, and repair them where they are bad.

Where sufficient roads already exist, it would be neither necessary nor proper to make others; and it would be both a breach of our Constitutional duty, and of the principles on which this bill is framed, to assume that power. This is all, sir, I shall say as to the Constitutional clause respecting post offices and post roads. And I hope it is sufficient, on a fair construction of it, to show that the power of making such roads is one of those evidently intended to be vested in the Congress of the United States, and not retained, because impossible to be executed by the States individually.

Another object of this bill is to provide such roads and canals, and only such, (in this view,) as are necessary for the purposes of defence. This power is so evidently given, that I believe it has been generally conceded to exist. It has, indeed, been exercised in different parts of the Union to a great extent, and has not excited, that I have heard, the slightest sensation. A road of this description was made in the State of New York, from the St. Lawrence to Lake Champlain; another from Nashville to New Orleans. Yet, no one imagined that the President, who, I believe, directed the one of these operations, and the Congress, which provided for the other, had exceeded their powers. Happy would it have been for the honor, for the safety, and the finances of the country, if, previous to the late war, this power had been more generally exercised. The ignominious surrender of a whole territory—the lives of thousands of brave men, and an incalculable expense in transportation, would have been spared. Sir, we have heard, and the fact is undoubted, that, when provisions did reach your men on the Erie and Michigan frontier, they lost more than ten times their original price in transportation; that frequently the loads were so long on the route as to be totally consumed for the necessary food of the conductors: and perhaps it would be no great exaggeration to say that your artillery cost nearly its weight in silver before it arrived on the field of action. This power, then, has been either not at all or very faintly denied. But a singular objection is raised to its exercise—that, if constructed, these roads and canals will be used for the purposes of internal commerce, and for the conveyance of the mail. Now, as Congress have no power, according to these gentlemen, to make post roads or commercial canals, we are told that the Constitution forbids the mail coach to rattle over a military road, or a commercial cargo to be wafted over a military canal. If this be true, it is unfortunate for the Postmaster General's Department and for the merchants; but it is surely no argument against the power to construct military roads and military canals, that, by a wicked abuse of power, they may afterwards serve the most unconstitutional and impolitic and ruinous purpose of transmitting the mail or increasing the commerce between the different States. If what is meant be, that this power, which is acknowledged, may serve as a pretext for the exercise of others which are denied, I answer again, that this would be an abuse of power which ought not to be supposed, and cannot justly be reasoned from. When we perform these operations for military purposes they must be bona fide such. And I, for one, sir, shall surely not regret if, in its consequences, the commerce and convenience, as well as the defence, of the Union is promoted by them.

The bill also assumes the right of making roads and canals for facilitating the commerce between the States; and this branch of the subject has excited the greatest degree of opposition, and the greatest talent and ingenuity in the debate. The argument has chiefly turned on the word "regulate," used in making the grant of power over the commerce between the States. I shall here, as in the former instance, forbear any attempt at etymological disquisition, or nice inquiries into derivation; I pursue the only, the true inquiry—What, from the nature of the case, and the whole tenor of the instrument, appears to have been the intent of the parties? What sense would a man of plain good understanding, not a professed grammarian, critic, or philologist, affix to it? The instrument was made by the people, and for their use; the popular, not the learned signification of the term must therefore be sought. We may be aided in this search, not only by the import of the whole instrument and by a consideration of the purposes for which it was formed, but by the construction, I mean the practical construction, that was put on it after it went into operation.

No man has a higher idea than I have of the talents and extensive political views employed in the work that has been so frequently quoted here to illustrate the meaning of different parts of the Constitution; but I always read such works, as well as the debates of the Convention, with some diminution of confidence, when I reflect that every man at that period, of any talent, was enlisted on one side or the other, in the great question whether the Constitution should be adopted or not. All the writings of that day are arguments; the friends of the measure softened, its enemies exaggerated, all the powers of the proposed Government; and it seems to me, that arguments made under such circumstances are not calculated to produce the same respect that the great names of Madison, Henry, Jay, and Hamilton, would otherwise inspire.

It is not, therefore, to the Federalist, or to the debates in the conventions, that we should recur for instructive commentaries on our Constitution; like most other commentaries, they frequently obscure the text; but the practical construction is not liable to these objections, and on the point before us is capable of affording the greatest instruction.

Seldom did a Government go into operation under more trying circumstances; it had been adopted by bare majorities in several of the States. The opposition to it was soured by ill success, and embittered by the acrimonious debates it had occasioned; its friends, the most violent and inconsiderate part of them at least, were elated by their triumph, and were supposed to nourish ulterior views, of changes leading to consolidation, to hereditary office, and other measures inconsistent with the letter and spirit of the Constitution they had established. Leaders of both these parties were elected in the two legislative branches, and there (as was inevitable) two parties were formed, each suspecting the other of views hostile to the Government. The one by increasing its powers by construction, until the State authorities were destroyed, and, as one of the means of doing it, giving improper energy and influence to the Executive branch—the other by encroachment of the State powers on those of the Federal head, and reducing it again to the imbecility of the Confederation. While each party believed the other actuated by such motives, the utmost jealousy of every measure proposed by either, was inevitable, particularly in the first few years after it went into operation, when a permanent character was to be impressed by the measures it should adopt.

I speak, sir, of the scenes which immediately preceded and followed the adoption of the Government, with perfect recollection. I saw it spring into existence, and was witness to the pangs and throes which gave it birth; the great change was not produced without struggles that had nearly convulsed the nation to its extinction; private interest, State pride, local views, fears of unknown changes, a dread of the encroaching nature of Executive power, and of military establishments, and a sincere but mistaken idea that the individual States would soon fall a sacrifice to the consolidated power of the whole, arrayed a great and powerful party against the establishment before it took place; and, subsequently, continued to operate, though in a less degree.

A very short time afterwards I was honored with a seat in this House, and found myself associated with men who thought themselves called on, by what they believed the views of their opponents against the independence of the States, to observe, with the most jealous care, every measure that could, in the remotest degree, affect them. That these suspicions might, in the warmth of party feeling, have, in some instances, been carried too far, may, perhaps, in the candor of cooler moments, be admitted; but certainly they cannot, with justice, be accused of any want of attention to every appearance of encroachment, or of the want of courage to oppose it; nor was the ability to discover, or the talent, when discovered, to expose any such measures, wanting in the men of whom I speak.

We had Madison, whose energy of thought formed a singular contrast with his mildness of language and the suavity of his manners, who always addressed himself at once to the understanding of his hearers, without any treacherous attempt on their interest or passions; whose comprehensive mind embraced every possible view of his subject, and whose patient investigation left no argument unanswered, no sophism undetected, no false position unrefuted: Madison, whose works are, even in his life time, consulted as the oracles of truth, and whose fame will survive while admirers can be found for genius, patriotism, and virtue.

Gallatin, a host in himself, one of the most extraordinary examples of the power of genius, guided by integrity and pure political principles—eloquent, and often irresistible, in a language not his own—inferior to no native in a knowledge of the laws and Constitution of his adopted country; he stood among the first of those who then thought themselves specially called on to defend them.

We had Giles, who, to an unrivalled talent for debate, added a most extensive knowledge of the bearing of each part of the Government on the whole, a stock of political information, ready to be called into use on demand, and an independence of spirit and political courage, perfectly regardless of personal consequence; a gentleman, I may be permitted to add, whose absence from the councils of the nation will always be felt whenever they are occupied with a Constitutional question.

There was another, who still enjoys the uninterrupted confidence of his countrymen, in another branch of this Legislature: when I say that I mean the Cato of republicanism, whose *delenda est* was applied to every abuse, every extravagance, and every species of corruption, I need not write the name of Macon under the picture.

In speaking of those who were considered as the champions of State rights, and the firm opposers of consolidation, it is impossible not to remember the name of Nicholas, than whom a better man, a sounder politician never lived, nor a more independent spirit ever quitted this world for a better.

There is yet one, sir, to whom I must allude, although I do it at the risk of offending the delicacy of an honorable member of this House, then in the vigor of youth; he joined indefatigable exertion to that enthusiastic love of liberty which will never leave him but with life; he was the Murat of the party; he disdained defensive warfare; and, wherever the measures of our opponents were assailable, he made them feel the keen edge of his satire, or the irresistible charge of his argument.

With these men I went, sir—*Sed non passibus æquis.* They surpassed me in every thing but a sincere love of the Constitution, and an ardent zeal in its defence. My vanity, however, is satisfied with the idea that my name will sometimes be associated with theirs, without the slightest pretension that my utmost exertions in the same cause will be ever compared to the least of theirs.

To these might be added many others, who gave occasional assistance in debate, and a list of worthies, who, like the "*fortemque Gyam fortemque Cloanthum*" of the Poet, may be characterized by an epithet common to them all—they were good men and true, whose names stand on your Journals in goodly columns, to record the firm negative with which they made the Hall resound, whenever any proposition was made that might be construed into an attack on State rights, or that squinted towards consolidation.

Such were the men, sir, who conceived themselves called on, by every motive of principle and patriotism, to prevent any false construction of the powers of the General Government, particularly such as was calculated to increase those powers. Their zeal was increased, and their talents kept constantly in exercise, by daily collision with men, whose talents, and genius, and eloquence, made them worthy to enter the lists with those I have described. The minds of those who had to grapple with Ames, and Bayard, and Harper, and Otis, and Dexter, were not suffered to rust in idleness; every faculty was sharpened, and pride and emulation united with a sense of duty in making these watchmen alert on their posts.

Yet, sir, it was at this time, and by these men, under such circumstances, that the practical construction to which I now return, was established.

The Constitution gives to Congress "power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This was among the first powers that came to be exercised by this Government. The regulation of three kinds of commerce was given to it: foreign commerce, commerce between the States, and commerce with the Indian tribes. It is obvious, that no more power is given in relation to any one of them, than to the other two. If regulate means only (in its strictest sense,) to restrain by laws or rules, in the one, it must have the same meaning as to the others. If, on the contrary, as to any one, it may signify not only such restriction, but also a general superintendence, extending to every species of legislation necessary for the subject, then the same liberal construction must be extended to the others—because, neither in the clause nor the context, is there found the slightest distinction. The inquiry then, now is, whether a practical construction has been put on any of the three powers given by this clause.

The subject that most pressed on the attention of Congress, in its early sessions, was the regulation of foreign commerce. If they had considered the power as confined to regulation, in the strict sense now contended for, they would have confined themselves to the passage of laws declaring in what manner the revenue arising from it should be collected, in what ships it should be carried on, and to what ports, and from what countries, without daring to do any thing that was merely calculated to facilitate or extend it. But, the very reverse was the fact—one of the first acts passed, I think in the first session, and annually renewed for some time after, was one taking charge of all the buoys, beacons, lighthouses, and piers, which had been established by the States. Now, sir, if *regulate* does not extend beyond the restriction by rules, as gentlemen now tell us, if it cannot, without a violation of the Constitution, be extended, so as to embrace the idea of promoting and protecting, by what authority were these acts passed? What were the Madisons and Gallatins, and the Gileses, and the other faithful guardians of the Constitution, then doing? Were they asleep on their posts, when this daring inroad was made on the State rights? What! suffer the State lighthouses, the State piers, the State buoys, and the State beacons, to be taken by the General Government, without a word, when they had no other power than they could derive under the word *regulate!* No, sir; they were not negligent of their duty. If they could have imagined that a doubt could have been entertained as to the rightful exercise of the power, depend on it, that doubt would have been raised. The party, sir, was not without its minute philosophers. We had our etymologists and philologists—ay, sir, our hair splitters, and measurers of syllables, as well as other assemblies—and, if it could have occurred to them, that the States would be ruined by saving them the expense of these establishments, or that the power was doubtful, be assured that not a letter composing the word *regulate* would have escaped examination. It would have been traced to its root, and the verb *regulo* would have been danced through all its moods and tenses, to show that its signification was to restrain, not to promote or facilitate. Then our logicians would have taken up the argument, and said, We have only a power, (as has been demonstrated by the philologists,) to restrain. But, lighthouses and piers facilitate. To facilitate is not to restrain—therefore, we have no right to build lighthouses, which was to be demonstrated. But, sir, not one word of all this fine learning and research was heard. The grammarians and the word-mongers and the Constitutional watchmen and the guardians of State rights, were silent—and the buoys and piers and lighthouses were taken under the protection of the United States without a single negative. The measure passed with as little ceremony or opposition as a motion does here to adjourn at four o'clock! It not only passed once, but was yearly repeated, and always without exciting any doubts or fears. It passed, not only with respect to the first object of the clause, foreign commerce, but in a more striking degree, as respects the last, the trade with the Indian tribes. This has undergone every degree of legislation of which the subject was capable, and always, it is believed, without any fears of infringing the Constitution.

Now, sir, this brings us to the dilemma of declaring all this uniform course of legislation, from the establishment of the Constitution to the present time, our own acts and those of our predecessors, to be unconstitutional and void; for not a session has passed, nor will this pass, without providing for those very piers, lighthouses, and beacons. We must, I say, declare every Congress, every President, since the first institution of the Government, including ourselves, to have been guilty of deliberate annual breaches of the Constitution; or we must decide that we have the power contemplated by this bill. For the power in relation to foreign commerce is the same as that given in relation to commerce between the States. It is contained in the same sentence, and the same verb governs both members of the phrase. If, then, this phrase gives the power to facilitate foreign commerce by building piers and seawalls, why does it not equally give the right of facilitating and promoting commerce between the States, by cutting canals? If even a colorable answer can be given to this question, I abandon the measure. But, although put cursorily in the debate, by the honorable Speaker, I have heard no distinction attempted. We have, indeed, been told, that the establishments for foreign commerce are on the seaboard. This is not always the fact. The piers of the Delaware are within the body of the State—part of some county. So, indeed, are all these buildings. But, if it were true, what is the consequence? The locality does not alter the right; and, if strictly examined, it will be found that many of these establishments are in places in which they are principally useful for the trade between the States, and, in some, where there is no foreign commerce, as the lighthouse on Lake Pontchartrain, and others that might be named. The power, then, has been exercised in favor of the internal State commerce, as well as the foreign.

I rely more on this practical construction, because a majority of the phalanx of great names I have enumerated, and who sanctioned it by their silence, were from Virginia. Virginia! then, as she is now, the bulwark of State rights. Virginia! then, as she is now, represented by some of the highest abilities. Virginia! always foremost in defence of the Constitution. And I say those precedents cannot be wrong—that construction cannot be false—which were made by the distinguished Representatives of that distinguished State.

But it is objected that this power cannot have been intended to have passed to the General Government, because, in its exercise, it is liable to the greatest abuse. What! say gentlemen, shall the United States have power to take away my land for a road, or divert the water from my mill, for a canal? Shall they have power to seize on the State works, empty the feeders of State canals, drain off Lake Drummond, and change the course of the Roanoke? The answer to this has been given. They have power to do nothing but that which is necessary and proper for the end. These acts would be unnecessary and improper; therefore, they have no right to do them. But the power as to foreign commerce is equally extensive, equally liable to abuse. They have no more right to take land for canals than they have to take it for lighthouses; yet, whenever land for that purpose has been wanted, they have purchased it. If, then, the laws protect us against encroachment on the seaboard, why should we doubt their efficacy in the interior? All powers are liable to abuse. Most of those vested in Congress are so in a much greater degree than this. The power of taxation may leave nothing to support the State governments. The acknowledged power over foreign commerce may be so exercised as to produce the greatest oppression. It can never, then, be made the objection to the constitutionality of a measure to say that it is liable to abuse.

We are asked, sir, if these powers were intended to be given, why were they not clearly expressed? Why was it not said, in so many words, Congress shall have power to make roads and canals? The answer is easy. It is a characteristic of the Constitution that it deals in general expressions, and avoids details as much as possible, for the plain reason that all cases could not be expressed, and that the expression of one might be argued into an exclusion of another power equally intended to pass by the general words; as in the present case, if the power had been expressly added to the clause of making canals to facilitate commerce, and hereafter some improvement, such as railways or inclined planes, should be found more convenient, the power to make them might be doubted, on account of the express power given to make canals. But I think it has been sufficiently shown, that, without recourse to implication, the grant of all these powers is sufficiently established.

We are next told, that the point being at least doubtful, we must resort to contemporaneous exposition; and we are, as usual, referred to the numbers of the *Federalist*, and to the debates of the Convention. The reasons for receiving these commentaries with some allowance have been already stated; but, in the present instance, the passage of the *Federalist* so often quoted may with as much propriety be construed to mean that the roads and canals of which he speaks are to be the work as well of the General Government as of the States; and as to debates, we find that in the New York Convention at least, the power we contend for supposed to be given; for an amendment was expressly proposed, and rejected, for its limitation. But we deny the premises of this objection. The text, we contend, is express, and the commentaries are introduced to make it doubtful.

After one or two other objections, the answers to which have been anticipated, we are told that Mr. Jefferson recommended an amendment to the Constitution, in order to obtain the powers in question, and that both Mr. Madison and Mr. Monroe have rejected bills passed for that purpose, because they supposed them unconstitutional.

[To show the first circumstance incorrectly stated, Mr. LIVINGSTON read the Message of Mr. Jefferson.] It appears, he said, from this, that the great statesman whose authority is relied on, and certainly none is entitled to more respect, recommended several objects of internal improvement, among which were roads and canals, and others not within any of the powers granted to Congress, such as a national system of education, and he only recommends an amendment to embrace such of the powers as are not vested in Congress—most clearly indicating that the others, to wit, the roads and canals, were. It is true, that the two next Presidents, Mr. Madison and Mr. Monroe, did return bills on this subject, but these bills contained, each of them, provisions different from this. And from the language of Mr. Madison's previous Message, we must conclude that these details, not the principles assumed by the bill now before us, were the reason of his objection; for he, in that Message says: "And I particularly invite again their 'attention [of Congress] to the expediency of *exercising their existing powers*, and, *where necessary*, 'of resorting to the prescribed mode of enlarging 'them, in order to effectuate a comprehensive system of roads and canals, such as will have the 'effect of drawing more closely together every 'part of our country, by promoting intercourse 'and improvements, and by increasing the share 'of every part in the common stock of national 'prosperity."

And Mr. Monroe clearly admits the power, though he does not derive it from the same source that most of its other advocates have relied on. But give the objection its most extensive interpretation; if it should prove that two Presidents have thought the measure unwarranted by any express power, it also proves that large majorities in both branches of the Legislature have, whenever it was submitted to them, entertained a different opinion, and, as far as Executive authority goes, we have its unequivocal opinion of the expediency of the measure.

But, it is repeated, this is a local measure, originating in local views, and will be executed for the benefit of a part of the Union only.

It seems hardly just or reasonable thus to characterize a measure recommended by three successive Presidents, during a period of more than twenty years, and acted upon by several successive Legislatures; and, whatever may be the private views of any of those who support it, those views can form no just ground of opposition, if the measure be in itself good. If what is meant be, that it is intended, and will operate exclusively for the benefit of certain parts of the Union, without resulting in any good to the whole, I answer, this must depend on the manner in which the power shall be directed to be executed by a subsequent bill;

that all local views, if any should then suggest inexpedient works, will be defeated by the wisdom of our successors; that this would be an abuse of power, and that the possibility of such abuse is no argument against its existence. Besides, sir, how can this argument be reconciled to that which supposes the exercise of this power within any State so ruinous as almost to justify resistance? But, if the argument consist in asserting that the execution of the contemplated works must produce a greater advantage to the places in their vicinity than to others more remote, the assertion is undoubtedly true; but every legislative act, without exception, is unequal in the benefits or inconvenience of its operation, and we must cease to legislate if the power can be legally exercised only by preserving a perfect equality in the distribution of the good and evil of legislation. We must have no ports of entry because of the advantage the proprietors of stores and houses, situated there, will derive from it. No seat of government, no county towns, must be established by the different States. No public buildings must be erected, because the lands in their vicinity will be augmented in value. No officers must be appointed, because of the advantage they derive from their salaries.

Leaving the Constitutional objections, those who oppose the bill are the most vehement when they approach the question of expediency. If one tenth part of the evils they predict could reasonably be apprehended, we ought not (although convinced of the power) to exercise it. Tyranny, oppression, seizure of private property, annihilation of State rights, breach of the Union, ruin and desolation to the whole empire; these are denounced to us in all the vehemence of irresistible elocution as the inevitable consequences of the measure we propose. But, though frequently urged, the means by which these dreadful predictions are to be accomplished are not revealed. Oracular language has always been obscure; and we are left to conjecture how a measure, of all others the least calculated to excite alarm, the least liable to abuse in its execution, and inevitably accompanied by the greatest local advantages to the States into which it must be carried into effect, should provoke the jealousy, or cause the ruin of those States; how the promotion of commerce between the different members of the Union, providing for the daily social intercourse of their inhabitants, establishing effectual means for their common defence, and binding them in the chain of mutual benefits, can cause their separation. Some, indeed, have lifted a corner of the veil, and given two distinct theories, on the establishment of which they found (I confess I cannot comprehend in what manner) the accomplishment of these awful results.

First, we are told that the latent vice of the Constitution, the fatal disease under which it must finally fall, is an excess of power given to the General Government, enabling it to encroach on those of the States, and annihilate them in consolidation.

This is a revival of the old bugbear that frightened us in our political infancy. It was the prediction of the anti-federalists who opposed the political union of the States under our present happy Government, as it is now of those who oppose their commercial, social, and defensive union under the means now proposed. Forty years have elapsed without the most remote indication that the first prophecy was about to be accomplished; and I trust, sir, that thousands of years will roll on in prosperity and union without fulfilling the second.

I entertain the greatest respect for the opinions of those who entertain those fears; but I cannot participate in them. Unless I am greatly mistaken, they arise from a false conception of the nature of our Government, from a want of due attention to its structure and component parts. Were the powers of the Constitution vested in a single man or in a permanent body, there would be good reason for the apprehension.

But, who is it that we, as representatives of the people, believe will encroach on the liberties of the people? We, ourselves. We, the representatives of the people. Who do we fear will join us in overturning the governments of the States? The representatives of those very States; the guardians of their sovereignty. Who is to sanction those invasions of private liberty and State sovereignty? The man elected by the States, and by the people, who, by a happy combination of both powers, derives his political existence from both. No form of Government could have been devised more happily framed to allay the fears of those who, justly attached to their local authorities, wished to preserve them against encroachment. The people individually represented in one branch by men who, at stated and very short intervals, return to the mass of the people; the State sovereignties occupying exclusively a second branch, with equal powers; a qualified power of rejecting all their acts, and full executive power vested in a man chosen under the direction of the State sovereignties, and those sovereignties left in the full exercise of their power. If all this does not form a barrier against any invasion of State rights, there is no security in Constitutional provisions, and it is in vain to make any compact to restrain the exercise of power. I acknowledge, sir, that the most express organic stipulation may prove a weak barrier against interest or ambition, where no countervailing interest or other strong motive is proposed to check their operation. Here neither interest nor ambition can be tempted to produce the effect that is apprehended; and, if they could, effectual means are provided to check any enterprise of that nature that could be formed.

What is the particular fear? That the Government of the United States, consisting of the House of Representatives, the Senate, and the President, should use the powers given them, and usurp others not given, for the purpose of weakening first, and finally destroying, the State sovereignties, and merging them in one consolidated government. This is supposed to be not only a feasible object, but the natural tendency of the Government; the disease of which, in its present form, it is doomed to die; and that all our attention is required to retard the fatal event. That every exertion of power is to be considered as a dangerous symptom, and to be repressed, as we value our political existence.

First. Is it possible that we can desire this change; that our interest or ambition could, in any event, be gratified by producing it? This change, remember, is the preservation of this Government, and the prostration of that of the States. But, if the State governments go, this must go with them. We move, and breathe, and have our being, only by means of the State governments. Destroy them, and we destroy ourselves. A complete revolution must now follow. Therefore, neither our interest nor ambition could be gratified by doing that which it is said to be our natural tendency to do. All illegal changes in government, that are not produced by violence, must be made by the members of that government itself. But, can any change be apprehended from that source, when neither the interest nor the ambition of the members will be gratified in producing it? An entire dissolution of the Federal, as well as the State Governments, might tempt the rapacity of a Catiline, or the ambition of a Cæsar. But that is not the evil apprehended. It is the aggrandizement of this Government, not its annihilation; it is its existence with inordinate powers, not its destruction, that is feared. And the argument is, that, preserving the present forms, the representatives of the people will find it their interest to betray the liberties of the people, among whom they are to be mingled every two years; and the Senators to destroy the State sovereignties, by which alone they exist. This biennial election, sir, is a dreadful objection to the supposition that we should indulge this scheme. We must go home, sir. What good will our encroachments on the State rights do us then? We must become a part of that people whose rights we have betrayed. What interest can be served by this? But we will not go home. We will declare our sittings permanent, and give a second edition of the Long Parliament! This notable scheme, depend on it, will never have a proposer or an advocate. Means, and effectual means, would soon be found, and we know it, to send us home; ay, sir, to our long home! where we should receive the reward of our folly and treason.

But admit that we were base, and unprincipled, and blind enough to desire this change—how are we to effect it? In the natural course of things, the attack on State rights must originate in this House; it can hardly be apprehended in the Senate. But we, the representatives of the people, conspire against the State rights, so deservedly dear to the people. Without any motive of interest, or hope of gratification, we resolve on measures that are to destroy them. This is not enough —the Senate must concur. It is not sufficient that we lose our senses—the Senators must part with theirs. And, when this is effected, nothing is done until the President sanctions our mad resolves. And even then, if such a state of things can be supposed, the difficulties are but begun. We would have the resistance—the just, energetic, and effectual resistance, of twenty-four well organized governments, possessing (as I trust they will always possess) the attachment of the people, to overwhelm us and our unholy and senseless projects, in the ruin we should deserve.

In whatsoever light, then, we consider this apprehension of encroachment from the General Government, it seems extraordinary that it should be entertained, when it wants the motives of private interest or personal ambition to suggest it; or, even if they should exist, when its utter impracticability, to any extent, must discourage even rashness itself from attempting it. No, sir; the danger, if any, may be presumed with more truth, by those who love to prophesy evil, in the separation of the States. This event, so greatly to be deprecated, might not want specious arguments to support its probability—if proper means are not resorted to for preserving their union. Make it the interest of each State to be united to the rest. Connect them by the ties of commerce; facilitate the means of that epistolary correspondence which preserves the bonds of kindred, of friendship, and acquaintance, between the emigrant to the West, and the connexions he has left in the Atlantic States. Assure them of prompt and efficacious aid against aggression, by means of military ways. In short, pass the bill on your table, and follow it by the establishment of a wise, extensive, and effectual system for effecting the purposes it contemplates. Every post route you establish, every road you make, every canal you dig, will be a new ligament to bind the Union, by the easiest, the most natural, and, therefore, the most effectual bonds—those of mutual interest, social intercourse, common defence.

So far is this from being a local measure, that not a part of the nation, however remote, but must participate in its benefits. And it would be difficult to determine, or even to conjecture, whether the Western or the Atlantic States would most benefit by a system of roads and canals, connecting the waters of the one with those of the other. Certain it is, that the advantage to both, would be incalculable. If the one found a ready market for their produce, the other would derive equal or superior benefit by the augmented demand for foreign produce or domestic manufacture. The shipping of the most remote ports would find increased employment; the most distant manufactories of the Union would feel its effect, in the number of new consumers for their wares, and the triple sources of national wealth; agriculture, manufactures, and commerce, would feel its vivifying effects, in all their ramifications.

Another theory has been offered by a gentleman from Virginia, (Mr. STEVENSON,) somewhat, I think, at war with the last, but not, in my opinion, more applicable. We are told, that attachment to the General Government, like the solar heat, decreases in proportion to the distance from the centre. If so, I should like to know—as a Representative of the most distant State, I am interested in knowing—by what rule of proportion the attachment of my constituents to the Union is to be calculated. Is it in direct proportion, or as the squares of the distances? Arithmetical, or geometrical proportion? If this new rule of political physiology be correct, we may calculate to a fraction what reliance we can place on the exertions and zeal of any given State.

According to this system, the District of Columbia, under the direct rays of the Government, in the full blaze of its influence, ought to be the most remarkable for patriotism, love of the Union, shown by heroic deeds in its defence. Virginia and Maryland would be warmed in a somewhat less degree by this holy fire. It would diminish as we pass the mountains—be feebly felt in Kentucky and Tennessee—and, in my unhappy, distant State, its vivifying fire would be lost in languid apathy and frigid indifference. The freezing point of patriotism would be on the banks of the Mississippi, and its fever heat on the Potomac.

Metaphors, sir, are dangerous things in argument. Dazzled by their splendor, we frequently lose sight of the subject we mean to illustrate, and attribute to it properties that are only found in the object to which it is compared. The rule is neither true in theory, as applied to us, nor is it verified by fact.

In countries where the will of the Monarch is law, where all authority is derived from him, and where distance obliges him to delegate it, it may be true; and a disposition to throw off responsibility and assert independence, may be, in such countries, greater in proportion to the distance, because the danger of suppression is less. Despotic power is always submitted to with reluctance; and, as distance gives greater facility to throw it off, there is a tendency in the remote provinces of an oppressive Government to revolt; not because the attachment to it is greater near the centre, but because the danger near the extremities is less.

But we cannot apply these considerations to our Government, without losing sight of its construction and its principle. We are not bound together by fear, but by patriotism; by which, as used here, I understand, that love of country which arises from a deep persuasion that the interest of each part is inseparable from the good of the whole, and that that good can only be found in the union of the States. It has its foundation in a wise, liberal, and enlarged sentiment of self interest—but is capable, when exerted, of rising to enthusiasm—postponing the end to the means; forgetting personal and local interests, and making those patriotic sacrifices and exertions which command the admiration of the world.

No State will have a tendency to separate from the others, so long as it is not blind to its true interest. But, if this be the principle on which the Union is founded, that species of interest on which it rests ought to be fostered by such measures as those now proposed. The best affections, the tenderest connexions, the most endearing recollections of life, unite many of those who are now locally separated in distant States—are not these ties worth preserving, in a political as well as a moral view? Nothing can do this more effectually than facility of communication. Connexions that would be forgotten, in one generation, with the rugged roads of the Alleghany between them, will be kept up for ages, when steamboats and canals, and stages, on smooth turnpikes, make a visit easy, or the transmission of a letter as certain, and almost as speedy, as it formerly was to a neighboring town. Add to these interest, in its more palpable forms of commerce and defence, and that tendency to dissolution, which is apprehended, will be completely counteracted, if it exists. The construction, too, of our Government, as well as its principle, ought to banish our fears on this subject. Its federative character, which Montesquieu extols, as an affectual means of enabling a republic to extend its dominion, without weakening its power, is a security on which we may safely rely. And while all local concerns are intrusted to local authorities, chosen by the people, and the general political interests of the nation are committed to the Government of the whole, there can be no natural tendency, in any State, however remote, to shake off an authority that is only felt by the security and prosperity it affords.

There is no truth, then, in the principle laid down as theoretically applied to our Confederation. Has experience shown it to be well founded? Sir, the experiment has been tried, and the result is one to which, for my constituents, I can refer to with an honest pride. The enemy, at the period to which I allude, seemed to act on the theory of the gentleman from Virginia, they directed an overwhelming force against the extremity, the utmost extremity, of the Union, where other circumstances, as well as distance, led them to hope submission or feeble resistance. What did they find? Men indifferent to their rights? Lukewarm in their love of country? Willing to barter honor for safety, and independence for property? No, sir; they met freemen, proud of the title they had lately acquired, and determined to show how highly they prized it, by their exertions in defence of the country by which it was conferred. They found courage, conscious of the danger, and eager to face it; they found an ardent enthusiasm for liberty, contrasted by a cool determination to defend it against odds that would have made prudent patriots quail; determined to conquer or die, they never lost a thought on the disparity of their own numbers, and did not stop to inquire those of their enemy until they counted them stretched on the field. Yes, sir, in that field, drenched with the blood, strewed with the bodies of our invaders, where the valor and discipline of twelve thousand veterans was baffled and discomfited by the firmness and steady courage of less than one-third of their number—in that glorious field, the courage and patriotism of my constituents inscribed on the page of history a splendid refutation of the principle that is advanced. But they were not alone. No, sir, they were not alone; but who were at their sides? Who braved the danger, underwent the fatigue, and shared the honor of the defence? Who, with the cheerfulness of guests invited to a feast, voluntarily came to partake with us the chance of exulting in victory, or the more probable event of sharing with us an honorable grave? Men, probably, from those favored States where the sun of patriotism ever shines unclouded by interest, indifference, or fear! No, sir; whatever might be their desire to defend us, they came not; and the want of those means which this bill is intended to provide, prevented them from sending us arms, ammunition, or other necessary supplies. Who, then, were they—these brave and generous defenders? Why, truly, sir, they were men from Kentucky, Mississippi, Tennessee—from those parts where, by this degrading theory, love of country grows languid, and patriotism expires; and, as if this example was designed, in all its parts, to run counter to the argument, the master spirit who directed the operations that led to these decisive results—he, too, came from those regions remote from the central fire. I might go on, and inquire whether the other point of the rule was better proved here, in the very focus of patriotic heat? When these walls were wrapt in flames, surely not kindled by that sacred fire! and when a neighboring town escaped a similar conflagration, not by the arms of brave citizens who defended it, but by the supplications of deputies, who laid its wealth at the feet of their invaders. I shall not press this part of the argument, and if I allude to it at all, it is not in the spirit of invidious comparison, which I utterly disclaim, but because a sacred duty to my constituents requires that I should show, in all its parts, the fallacy of a theory that would subject them to the imputation of wanting attachment to the Union they have so well defended, and deprive them of honors they have nobly won. Away, then, with these fancies, that tend only to excite jealousies and mutual reproach, and that do not belong to the subject before us. To that I return, in order to dispose of some objections that have been made to the expediency of the measure. It will increase Executive patronage, by the appointment of a host of new officers. This is much exaggerated by supposing the object to be the support of all the post roads in the Union: that is disclaimed; it is only such new roads as are necessary, and that will not be made by the States. If these require officers, they must be appointed; and if we fear the influence of the President, we may vest the appointments elsewhere.

If this argument were conclusive, we should have neither army nor navy, nor any other useful institution. Government will be imposed on if they perform works by contract. They have been imposed on, it is said, in building a fortification at New York. If this argument is good, we ought to build no forts—construct no works—and deprive ourselves of all defence, for fear of losing money in our contracts.

To these objections a gentleman from New York has added an apprehension that the United States would seize on their canal. Sir, I might as well fear they would seize on the Mississippi. Neither the bill, nor the largest construction of the power, gives them any such right.

Yet, sir, it is on improbabilities such as these, that the most gloomy apprehensions are raised. Virginia seems particularly to entertain them, and it has been strongly intimated, that, if this measure is carried, she will regret that she has yielded the purse and the sword. Virginia will regret that she has made a part of the nation! I cannot, sir, but believe these intimations to proceed rather from the excitement of debate, operating on warm and generous minds, than from any settled opinion. No, I will never believe that a State which has always held so distinguished a place in the councils and administration of the Union, can, even for a moment, regret the event that led to the proud pre-eminence she has enjoyed, and still enjoys. She must remember, that, out of thirty-six years, which will soon be completed, thirty-two of them will have seen citizens of that State administering the Executive power of the Union, by the free choice, sometimes by the unanimous choice of the whole nation. She can never regret her forming a part of that closer federation of the States, which gave to her and our WASHINGTON a new title to the gratitude of his country, and the admiration of the world; which added the civic to his military crown, made him the founder of our strength, and union, and peace, and happiness, as he had before been of our Independence; and enabled him, by his second retirement, to complete that perfect character which makes his name, in all languages, synonymous with every paraphrase that can express the union of virtues and qualities never found but in him; which forms at once the hero, the statesman, and the patriot. No! that great name should never be profaned by a wish that would destroy any one of the numerous titles it has to the reverence of his country; the Union, formed under his auspices, cannot be dissolved without an outrage to his memory; and even the unguarded expression that conveys an idea that any event may make it desirable, must diminish the lustre reflected by his reputation, on the State that gave him birth.

Virginia cannot, does not, forget, that, unless she had formed a member of the Union, the Sage who gave language and voice and utterance to our Independence, would have lived only to lament the inefficiency of that decisive act; to witness the weakness, discord, and distress of his country—perhaps its utter ruin, and fall from that station among the Powers of the earth, which his immortal declaration had proclaimed. His days would have been passed in endeavors, perhaps unavailing endeavors, to restore harmony and reconcile the jarring interests of the States. His valuable life would have been abridged by the deep chagrin of disappointment, and have closed, amid scenes of tumult and disorder. Instead of this, by the happiest and most honorable of contrasts, he has had the supreme satisfaction of fostering that Independence which he had announced to the admiring world; of seeing it established and respected by an indissoluble bond, formed by apparent concession, but really founded on the most perfect reciprocity of benefits, mutually conferred, and mutually received—of promoting, by important services, both abroad and at home, the reputation and interest of his country, of directing, in the first office it could bestow, the rapid approach to those high destinies to which it is called; of receiving, in the esteem and affection of a happy and united people, the best reward they could bestow; and of passing, in dignified ease and philosophic retirement, in pleasing recollections of the past, and a happy anticipation of the future—the calm evening of a long life, spent in promoting the happiness of his country.

Sir, if we want another occasion to remind this highly favored State, this nursery of great men, that she, of all others, has reason to rejoice in the establishment of the Union, and pride herself on its effects, we need only look to a neighboring retreat, and almost under the trees that shade the Sage of Monticello, where Madison, in the society of his illustrious friend, and in the consciousness of a pure life, unblemished even in the violence of party by imputation of a deviation from duty, hears, with calmness and moderation, the undivided voice of his countrymen, bearing testimony not only to his wisdom and virtue, but to that decisive spirit which roused us from submission to foreign insult and injury, taught us to respect ourselves, bade our little Navy ride triumphant on the sea, and our citizen soldiers to defeat veteran valor in the field; established our national character; and, by an honorable peace, enabled his successor to proceed in the great work he had successfully begun, of making us respected abroad and happy at home. That successor is also a son of Virginia; that his Administration is one that affords another reason to his native State for felicitating herself on having given him to the unanimous suffrages of the Union, it does not become me to say, because the time has not yet arrived, when even that which truth will sanction, may be spoken without the imputation of an unworthy motive.

These men, their reputation, their virtues, belong to us all—they are the property of the nation. But, would the State which gave them birth, if it were possible—would she surrender her particular part in this property?—in the gratitude that is due for their services?—in the honor they have acquired for their country—in the reverence with which their names will be held by posterity? No, sir; no consideration of minor interest, much less the fear of uncertain evil, would induce her to forego this proud distinction of her citizens—this glorious heritage for their children.

The bill before us may pass—I trust, will pass—and I am persuaded that its operation will show how vain have been the fears, how false the predictions of its effect.

When Mr. Livingston had concluded—

The question being put, on the motion of Mr. Barbour, to strike out the enacting clause, it was decided in the negative—ayes 84, noes 108.

The question on rising and reporting the bill without amendment being about to be put, Mr. Wickliffe proposed to amend the bill, by striking out the words "thirty thousand dollars" and inserting "fifteen thousand dollars," (as the sum appropriated for obtaining the plans and surveys.) This motion was supported by the mover, on the ground of economy, opposed by Mr. Trimble, as unnecessary, (any unexpended balance returning of course to the surplus fund of the Treasury,) and discreditable to the country on account of its small amount. Mr. Mallary supported the motion, believing the sum sufficient.

The question being put, the amendment was rejected—ayes 85, noes 91.

And the House adjourned.

Tuesday, February 10.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Celestin Moreau, of Louisiana," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. Campbell, from the same committee, to which was also referred the bill from the Senate, entitled "An act confirming the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land," reported, as the opinion of the committee, that the said bill ought not to pass. The bill was laid on the table.

Mr. Cook, from the Committee on the Public Lands, reported a bill to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Kent, from the Committee for the District of Columbia, to whom was referred the petition of Johanna Collins, for a divorce, reported that, in the opinion of the committee, the prayer of the petitioner ought not to be granted; which report was concurred in by the House.

The Committee for the District of Columbia were discharged from the consideration of the resolution of the General Assembly of Ohio, upon the subject of an entire abolition of slavery; and it was laid on the table.

Mr. Rankin laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas has been run, in conformity with the provisions of the third section of the act of Congress of the 3d of March, 1823, entitled "An act making further appropriations for the military service of the United States for the year 1823, and for other purposes;" and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of that provision of the law, and what causes have prevented said line from being run.

Mr. Owen laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to state to this House what practical construction has been given by the several registers and receivers, respectively, on the act of 1820, for the relief of purchasers of public lands; and the instructions given them relative to said act, with regard to fees or compensation, and whether, in his opinion, by a correct construction, the fees or compensation was adequate to the service, and whether, by the construction given in any case, the compensation was greater than was contemplated by law, and more than adequate to the service performed.

Mr. THOMPSON, of Georgia, gave notice that he would, to-morrow, move the House for leave to introduce a bill directing the payment of the Georgia militia claims for services rendered during the years 1792, 1793, and 1794.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making provision, by law, for the confirmation of the land claims recommended for confirmation by the report of the commissioners for the western land district of Louisiana, made upon the 30th of December, 1815, in virtue of the several acts of Congress, passed upon the 10th of March, 1812, the 27th February, 1813, and 12th April, 1814.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of empowering the register of the land office at Opelousas, in Louisiana, to make and complete the report of certain land claims which were entered under the act of the 11th of May, 1820, and which the late register had neglected to do, and that a reasonable compensation be allowed to the present register for doing the same.

On motion of Mr. WICKLIFFE, it was

Resolved, That the Message of the President, of the 22d of January, 1823, with the accompanying documents, relative to the navigation of the rivers Ohio and Mississippi, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. WICKLIFFE, FORWARD, JENNINGS, GAZLAY, WEBSTER, DURFEE, and RIVES, were appointed said committee.

On motion of Mr. HENRY, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to Thomas Alsbury, captain of a company in the mounted expedition under General Samuel Hopkins, in the year 1812, for a mare lost on said expedition, in consequence of a wound accidentally received, whilst she was in actual service.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to William Grace, a soldier who served under General Samuel Hopkins in the mounted expedition in 1812, for a horse which was shot during said campaign, whilst in actual service.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to John Milhollend, who served as a sergeant in a company of mounted volunteers in the Fall of 1813, on the expedition commanded by Governor Shelby, for a horse lost by him on said campaign, whilst in actual service of the United States.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to John Golliher, a private in a company of mounted volunteers in the expedition under Governor Shelby in 1813, for a horse lost by him on said expedition, whilst in the actual service of the United States.

On motion of Mr. JOHNSON, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hagen's store, in the county of Preston, in Virginia, to Smithfield, on the Cumberland road: and also of discontinuing the present route from the above-mentioned store to Morgantown, in the county of Monongalia.

Ordered, That the letter from the Secretary of the Treasury, accompanied by sundry statements in relation to allowances made to registers and receivers of land offices, for clerk hire, office rent, &c., laid before the House of Representatives on the 3d of March, 1823, be referred to the Committee on the Public Lands.

Mr. RANKIN communicated to the House a letter to the chairman of the Committee on the Public Lands from the Secretary of the Treasury, dated 3d March, 1823, containing information in relation to allowances to registers and receivers of land offices for extra clerk hire, &c., which letter was also referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to revive, and continue in force an act entitled 'An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives; of the clerks employed in their offices, and of the Librarian;'" was read twice, and committed to the Committee of Accounts.

The amendments proposed by the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," were read, and referred to the Committee on the Public Lands.

SURVEYS FOR ROADS AND CANALS.

The House then resumed the consideration of the report of the Committee of the Whole, on the bill to obtain the necessary plans, estimates, &c., in relation to roads and canals.

Mr. FLOYD moved to strike out the enacting clause of the bill—but, at the suggestion of Mr. RANDOLPH, withdrew the motion; and

Mr. RANDOLPH moved that the consideration of the bill be indefinitely postponed; and, on his motion, the ayes and noes were ordered to be taken upon it.

Before the question was taken, however,

Mr. SAUNDERS moved that the bill be recommitted to the Committee on Roads and Canals, with instructions "to designate such roads and canals of a national importance in a commercial or military point of view, or necessary for the transportation of the public mail, as may be deemed proper and expedient to have surveyed and reported upon."

Mr. FORSYTH suggested to the mover of the instructions to strike out that clause of them which relates to post roads.

Mr. SAUNDERS did not accept the modification.

Mr. RICH then moved the previous question; which motion was not sustained by the House.

And the question being on recommitment—

Mr. Cook made a few observations.

The question was then put on the motion of Mr. Saunders, to recommit the bill with instructions, and the yeas and nays stood as follows:

Yeas—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Crafts, Craig, Culpeper, Dwinell, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Markley, Matson, Morgan, O'Brien, Plumer of New Hampshire, Randolph, Reed, Reynolds, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood—85.

Nays—Messrs. Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Buckner, Campbell of Ohio, Carter, Cassedy, Condict, Conner, Cook, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Richards, Rich, Rogers, Ross, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, and Woods—116.

The question recurring on Mr. Randolph's motion for indefinite postponement—

Mr. Foot, of Connecticut, observed, that he had listened with attention, and with much satisfaction, to the very able discussion of this interesting subject, which had occupied the attention of the Committee of the Whole for many days; a subject of deep interest to the country, as well on account of the magnitude of the object, as the importance of coming to a correct conclusion on the Constitutional power of Congress in relation to it; and the result had been, on his mind, a thorough conviction that Congress did not possess the power, by the Constitution, to engage in a system of internal improvements, as contemplated by this bill. And, in addition to this, that, even if Congress *did* possess the power, it was not expedient, at this time, to attempt to exercise it.

And, although he was sensible that, after the long and very able discussion of the question, the House was prepared to act upon it, and he could not expect, by any effort of his, to change the opinion which had been deliberately formed—yet he felt it to be his duty to enter his protest against the principles which had been advanced by the advocates of the bill. And he trusted that the courtesy of the House would permit him to occupy its attention for a few minutes, in explaining his views on the subject, which his situation in committee had prevented.

Sir, said Mr. F., the principles contended for by the advocates of this bill, in my opinion, are calculated to excite serious alarm; the power which many gentlemen had claimed, and which some have declared "they will not surrender," transcends the power claimed by a majority of the Congress during the dark days of '98–9: and involves the right of an extension of the power of Congress, even to the omnipotence of a British Parliament. Our system of government presents an anomaly—it is a confederation of independent governments—it bears no analogy to any other system, and gentlemen, in my humble opinion, fall into gross errors by any attempts to find analogy with any other Government. By some, it is contended, "this power must reside somewhere; the people have surrendered it;" and they assume this position, that "the State governments do not possess it; and, of course, it must be in Congress." Sir, the whole power of Congress is given by your Constitution; from what other source can you derive it? It is created by the Constitution. The error of gentlemen appears to be, in the application of the same rule of construction to the Constitution of the United States, as is justly applied to the State constitutions. Here, sir, the analogy fails, and the position "that the power must reside somewhere," is wholly inapplicable to the Constitution of the United States. The position is, in itself, undoubtedly true, in part; but the conclusion does not follow. It is undoubtedly true, that, if the power is not in the people, it is in the State governments; and you will find it so admitted: for the power to construct roads and canals has been in constant exercise in every State in the Union. The grand distinction between the constitutions of the State governments and of the United States, is this—the State constitutions limit and define power—the Constitution of the United States grants power. Where, then, is the analogy between them? The constructive power of Congress is denied.

If my view of the Constitution of the United States be correct, it must be admitted, that unless the Constitution of the United States has expressly given Congress the power to construct roads and canals, you do not possess this power, nor can you pass this bill, without violating the rights of the State governments. Indeed, this seems, in some degree, to be admitted: for the advocates agree in this, that the power must be executed either by express delegation or by necessary implication

And, sir, where do they find it? One gentleman, (Mr. Clay,) is fully persuaded, that it is contained in the power to establish post offices and post roads. Another, (Mr. McLane, of Delaware,) disclaims this ground entirely; but, sees it clearly in the power to regulate commerce. Another, (Mr. McDuffie,) rejects this as altogether untenable; but discovers it, as clear as the noon day's sun, in the power to declare war, and the general sweeping phrase, all powers necessary and proper for carrying the foregoing powers into effect. It is unnecessary to pursue this further. If the power is given, why do not gentlemen agree in what part of the Constitution it is to be found? Sir, this single circumstance convinces me that the power is not granted. One position assumed by the advocates of this bill, is entitled to particular notice; it is the assumption that the power "to lay and collect taxes," gives to Congress the "right of appropriating the money so collected, to any purpose whatever." This may properly be termed the involution of power. That one power can create another, and a greater power, is a principle entirely novel and extraordinary; and if it be correct, the single power vested by the Constitution in Congress to "lay and collect taxes," vests in Congress a power so absolute, that any other power granted by the Constitution, was entirely unnecessary, and every other part of the Constitution must be superfluous! Strange as this must (in my view) appear, it has been contended by the gentleman from South Carolina, (Mr. McDuffie,) that the powers of Congress, "in 'promoting the general welfare, are only limited 'by its own discretion, and the responsibility of 'members to their constituents, at the elections."

If this principle be correct, to what conclusion does it lead? Most certainly this: that the power of Congress is absolute and despotic, and the Constitution a dead letter; and if the rights of the State governments are prostrated, and the dearest interests of the people most wantonly sacrificed, and your Treasury beggared, you find an ample remedy in dismissing your worthy agents! Sir, in my opinion, the people would feel greater security in knowing that unconstitutional acts are *void*, than in the belief that they are merely *voidable*.

But, sir, supposing a bare majority believe you do possess the power, can it be expedient to exercise it? It is well known that, if not a majority, at least a very respectable minority, and composed of men of no ordinary talents and experience, sincerely believe Congress do not possess this power. Will you persist in the attempt to exercise a doubtful power? The gentleman from Louisiana (Mr. Livingston) has, with his usual candor, declared that, "if he considered the power as at all doubtful, he would not exercise it." Does the powerful opposition which this scheme of internal improvement by Congress has met with, for many years, create no doubts on the subject? Does the proposed amendment to the Constitution, which has been laid on our tables, calling on the States to give to Congress this power, and emanating from such a source, (I make no allusion to any thing passing in the other branch of the Legislature, except what is laid on our tables, and printed,) does this excite no doubt? Does not the repeated recommendations of at least three Presidents, that such an amendment of the Conisttution should be proposed to the Legislatures of the States, furnish some evidence that at least some doubts exist even among the best informed men in our country, as to the Constitutional power of Congress on this subject?

Our Government, sir, is a Government of opinion, and its strength and durability depend on the combination and preservation of the moral, as well as the physical power of the country in its favor; with these combined, it is the strongest Government on earth. Destroy the moral, and the physical power is gone.

There are two modes by which written constitutions may be destroyed—one by force, by the bayonet! Spain furnishes an example of this. The other by sapping and mining. Beware you do not furnish this example! By gradual encroachments on the rights of the States, and of the people, is there no danger of shaking the confidence of the people in the Administration of the Government? Is there no danger of destroying their confidence in the Constitution, which they have always considered as the charter of their liberties, and the grand palladium of their rights? Where is the necessity, at this time, for hazarding such an experiment? Your country has existed, it has prospered for many years without it. What is your present condition? It is true we were informed that there was a balance in the Treasury of $9,000,000. We have since been told, that nearly $3,000,000 of this is wanted to meet current expenses under former appropriations, leaving a balance of about $6,000,000. Have you not already pledged this, for the purchase of the seven per cent. stock, by an act passed during the present session? Does not your debt now exceed $90,000,000? And do you not propose to increase it, by adding $5,000,000 for Spanish claims? Do you believe a national debt a national blessing? Sir, you cannot meet the current demand for 1825, without new loans or taxes! We are told, sir, that only $30,000 is required by this bill! If I am not much mistaken, the Cumberland road commenced with a less amount; but how did it end? Nearly $2,000,000 have already been expended, and it is not ended yet? You are constantly appropriating your 20 and $30,000 for its preservation, for about one hundred and thirty miles of road; and you have now on your table a bill to extend this road—to increase this sinking fund. Sir, this Cumberland road affords an example, which ought to warn you of your danger—at least to pause and reflect before you proceed another step.

You have been engaged, session after session, in devising some mode for its preservation; and what is its present condition? In whose hands is the power to regulate and govern this road—to preserve it from wanton injury? Do the States through which it passes protect it? No, sir! Does Congress possess or exercise any jurisdiction over it? No, sir! You have passed bills for erecting toll-gates. Your bills have been returned by the Executive, with objections to their constitutionality. This great question is unsettled; and will you involve yourselves deeper and deeper in such difficulties? I beg gentlemen to pause. Do not open a drain from your Treasury, which will exhaust all your resources—excite sectional jealousies; array the old States, which have made their vast improvements by their own means and resources, against the new States, which are, by this scheme of internal improvement, to be the only gainers! Sir, will you, by passing this bill, open the doors of your Treasury to an expenditure, far beyond the civil list, and the appropriations for the support of your Army and Navy—and not even stop to inquire how these roads and canals are to be kept in repair? or who has the conservation of them?

We have been told, sir, that this scheme of internal improvement is to bind your union together. Let gentlemen beware, lest, in their great zeal to bind the union of these States, they unfortunately break the cord!

I hope, sir, the motion for postponement will prevail, and that we shall wait until an opportunity be offered for the States to act upon the proposed amendment to the Constitution granting to Congress the power in question, and to pay off our national debt; and if, sir, the amendment proposed to the Constitution should be adopted, and your Treasury overflow, we shall all cheerfully unite in "providing for the common defence and in promoting the general welfare." But if the motion to postpone shall not prevail, I shall feel it my duty to propose an amendment, to clear the bill of Constitutional objections, which it has not been in my power to propose in Committee of the Whole.

The question was then taken on indefinite postponement, and decided by yeas and nays, as follows:

Yeas—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Markley, Matson, Morgan, O'Brien, Plumer of New Hampshire, Randolph, Reed, Richards, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood—86.

Nays—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Bailey, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Campbell of Ohio, Carter, Cassedy, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, and Wilson of Ohio—113.

So the House refused to postpone the bill.

Mr. Foot moved the following amendment to the bill—to strike out all that follows the enacting clause, and insert the following:

"That, on application of the Legislature of any State or Territory, the President of the United States is hereby authorized to employ such officers of the corps of engineers as he may think proper, to make the necessary surveys, plans, and estimates, of such roads and canals as he may deem of national importance in a military point of view, or necessary for the transportation of the public mail within such State or Territory; and cause a copy of such surveys, plans, and estimates, when completed, to be laid before Congress, and a like copy to be laid before the Legislature of such State or Territory."

"Sec. 2. *And be it further enacted,* That there shall be allowed and paid to each officer of the corps of engineers, in addition to the pay now allowed by law, —— per day for each day such officer shall be employed under the provision of this act, as a full compensation for such services and extra expenses attending the same, to be paid out of any moneys in the Treasury not otherwise appropriated."

The question being taken, without debate, the amendment was not agreed to.

Mr. Reynolds then moved to strike out the word "thirty" (in the appropriating clause) and insert "twenty." The question being taken, the amendment was negatived.

The question was then put on engrossing the bill for a third reading—and the yeas and nays being called for by McCoy, stood as follows:

Yeas—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Bailey, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Campbell of Ohio, Carter, Cassedy, Condict, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson, of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of

Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Sandford, Scott, Sloane, Wm. Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, and Wilson of Ohio—115.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Markley, Matson, Plumer of New Hampshire, Randolph, Reed, Richards, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—86.

To-morrow was then assigned for the third reading of the said bill.

THE TARIFF BILL.

Mr. TOD then moved that the House go into Committee of the Whole on the state of the Union, with a view to take up the bill for a revision of the tariff.

Mr. RANDOLPH rose, and said: "Sufficient for the day is the evil thereof"—I hope the House will do no such thing.

Mr. HAMILTON was going on with some remarks, bearing in part on the merits of the bill, when Mr. TAYLOR called him to order—and the Chair decided that he was out of order, on a question merely to take up the bill, to go into its merits.

The question was then put on Mr. TOD's motion, and carried—ayes 93, noes 82.

The House accordingly went into Committee of the whole on the state of the Union, Mr. CONDICT in the Chair; and, on motion of Mr. TOD, took up the tariff bill; which was read, in part, at the Clerk's table.

Some progress having been made in the reading—

On motion of Mr. WEBSTER, the Committee rose, reported progress, and had leave to sit again.

The House then, on motion of Mr. WEBSTER, went into Committee of the Whole, on the bill to authorize the issuing of letters patent to Samuel Brown.

Mr. W. stated the circumstances of the case, and quoted precedents to show that similar acts had frequently passed.

The Committee rose, and reported the bill without amendment; and, after some conversation between Mr. LITTLE and Mr. BURTON, it was ordered to be engrossed for a third reading.

WEDNESDAY, February 11.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Catharine Lauderman, accompanied by a bill for her relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. L., from the same committee, made a report on the petition of John Bradford, accompanied by a bill for the relief of the legal representatives of Charles Bradford; which bill was read twice, and committed to the Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Hanson Kelly," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. ALLEN, of Massachusetts, from the Committee of Accounts, to whom was referred the bill from the Senate, to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian," reported the same without amendment; and the bill was ordered to a third reading to-day; which was subsequently done, and the bill passed.

The resolution yesterday offered by Mr. RANKIN, respecting the boundary line of Arkansas, was taken up and agreed to.

The resolution yesterday offered by Mr. OWEN, respecting the compensation of the registers and receivers of land offices, was taken up and agreed to.

Mr. FLOYD laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott, for the government of the army, and repealed by an act of Congress of the 7th of May, 1822, are now enforced in the army, or any part thereof, and by what authority the same has been adopted and enforced.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of establishing a land office at Indianapolis, in the State of Indiana.

On motion of Mr. FOOTE, of New York, the Committee on Military Affairs were instructed to inquire into the expediency of reducing the term of service in the militia of the United States, from forty-five to forty years, except in cases of invasion or insurrection.

In pursuance of the notice given yesterday, Mr. THOMPSON, of Georgia, moved for leave to introduce a bill directing the payment of the Georgia militia claims, for services rendered during the years 1792, 1793, and 1794.

The SPEAKER decided that the said motion was not in order, inasmuch as the subject-matter embraced by the bill was already before the House, in the shape of a report from the Committee on Military Affairs, made on the 28th ultimo, which had been committed, and made the order of the day for a given day; and that the granting the leave asked to introduce the bill, would have the effect of bringing the same subject-matter into discussion in two different forms, and at two different periods.

Engrossed bills, of the following titles, viz:

An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois; An act to authorize the issuing of letters patent to Samuel Brown; An act to procure the necessary plans, estimates, and surveys, upon the subject of roads and canals; were respectively read the third time, and passed.

A message from the Senate informed the House that the Senate have passed bills of the followiug titles, viz: "An act to secure the accountability of public officers and others;" and "An act authorizing the building of an additional number of sloops of war, for the naval service of the United States;" in which bills they ask the concurrence of this House.

The said bills were respectively read twice, and committed, the first, to the Committee of Ways and Means; the second, to the Committee on Naval Affairs.

THE TARIFF BILL.

On motion of Mr. Tod, the House went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill to amend the several acts for imposing duties on imports.

Mr. Tod said that the subject of protecting domestic manufactures, by duties on imports, had been so often discussed, that a particular explanation on the part of the Committee, would not probably be wanted. That he should state the details and objects of the bill, and some of the reasons in their favor, as briefly as possible. That there was nothing here proposed that was new in principle—nothing but to extend and equalize a system which experience had shown to be most beneficial, and to give to other departments of domestic industry, and other oppressed portions of the community, something of that protection which our laws had so liberally and wisely given to the cultivators of cotton, of sugar, and to all the interests of navigation.

One object of the bill, said Mr. T., is, that, as to some certain manufactured articles, the raw materials of which exist in abundance at home, we should, by legislative provision, give to our own workmen, not the exclusive supply and command of even our own market, but barely give them a part of the business of furnishing our own people with the plain, rough necessaries of life. That another object of equal importance was, that, instead of continuing to support the agriculturists of Europe in almost every thing, we may be compelled, by using more home manufactured articles, to give to the farmers of our own country some market for their products. And another object, not inferior in magnitude to either of the former two, was, to give to the country that strength and power which arise from possessing, within itself, the means of defence, and to rescue it from the danger and disgrace of habitual reliance upon foreign nations for the common daily necessaries of life.

That the duties proposed were upon two distinct classes of articles. One class is that upon silks, linens, cutlery, spices, and some other things of less importance, most of which are not necessaries by any means, and which, with few exceptions, do not much interfere with any home production, or with any manufacture which the country is now prepared for. That most of these articles were charged, in the bill, with the identical increase recommended by the Secretary of the Treasury—this for the purpose of revenue chiefly, and to make up to the Government the deficiencies which may probably be occasioned by checking the excessive importation of other articles—but, that the important duties proposed in the bill were for the purposes of protection, and were upon iron, hemp, lead, glass, wool, and woollen goods.

Mr. T. said he was not going to trouble the Committee with a debate upon the question, whether our country ought to be dependent upon the monarchies of Europe for those necessary articles, if such dependence can be avoided. Upon that matter he was content to take the opinion of the Committee, such as it was already, and would go on to ask whether such dependence could be avoided.

It is known that almost every State in the Union is capable of producing iron sufficient for the supply of its own population, and, many of them, a great deal more; and that this can be effected without taking a single hand from any profitable employment, and without any stimulus, except that of a market.

As to hemp, it was not extravagant to say, that, of first rate hemp land, for every one acre which can be found, throughout all Europe, we have, perhaps, ten acres cleared, and not applicable to any other profitable cultivation. That in lead, we may challenge the globe, having not mines only, but whole territories of the richest ore, perfectly inexhaustible, and this in the vicinity of navigable waters. That, of wool, it was certain that not only every State, but every district of every State, was capable of producing enough, at least, for all our own uses. That of glass, the materials are every where. If Providence, said Mr. T., meant any country to be independent of others for the means of subsistence, that country is ours. The question then comes, Have our people industry and spirit enough to make use of these natural advantages of the country? The only effectual protection, generally, which our manufactures ever had, was by the late war. Thus, possessing by accident what other nations give by legislation to their own people, the command of the home market, our workmen made a progress that never was exceeded any where. Iron was fabricated to an extent wanting but about three thousand tons of the whole consumption of the country. Our woollen manufactures, though not quite so far advanced, were carried on with equal vigor, and with the same prospect of ultimate success, or rather with the same certainty of soon becoming fully adequate to the wants of the country. Our home supply of white and red lead, and shot, was equally sufficient. Earthen wares were fabricated in immense quantities, and with an elegance beginning to rival the workmanship of Europe. In glass, our people not only began to rival, but actually had rivalled, the workmen of England. Except some fine articles rarely wanted, we were supplied altogether from the home manufacture. It is notorious, said Mr. T., that all our manufactures of iron, lead, glass, earthen wares, woollen, and cotton goods, flourished. We say that they also caused the country to flourish by giving employment to the industrious, a market to the farmer, value to property, life to every sort of valuable business.

Peace came, and shortly after, the new tariff. It may, said Mr. T., be deemed absurd to argue now against a law which passed eight years ago, and the mischief of which, whatever it is, may now be supposed to be done and irretrievable. But the mischief of it is not yet finished. The tariff of 1816, is what is here proposed to be repealed in part, and it is necessary now to protest against the impolicy of the measure. What at that time was the situation of the country every one knows. The most important of our manufacturing establishments were just beginning. They were yet to gain skill in management, system, habit, all the indispensable requisites which experience only can give. Probably nine tenths, at least, of the owners were in debt, and only getting slowly out of it by the weekly profits of their business. In a word, according to the emphatic name long ago given by universal popular consent, they were, in every respect, infant manufactures. To expect that, under such circumstances, our countrymen should be able to rival in cheapness, the old, established foreign manufactures, was to expect what never yet happened in any country. So that, what in 1816 was called a moderate protecting duty would scarcely have been adequate protection against a fair and liberal European competition, but was absolutely nothing against the little tricks of oppression by which wealthy foreign manufacturers can afford to throw away cargoes of their goods, at reduced prices, or at no prices, in order to break down a growing rival, and indemnify themselves by fleecing the whole country afterwards.

It was not, continued Mr. T., said or believed, that there was any design by the tariff of 1816, to put down our rising manufactures. But the mistake was not pernicious.

It was the fashion of the day to consider the question of protection to domestic industry, not as a question between our manufacturers and those abroad, or between our own country and foreign nations, but as a question merely between our own manufacturers on the one side, and all the remaining classes of our own people on the other; and that whatever could be withheld from the mechanic was not to be lost to the nation—not at all, but only divided among the farmers, the planters, and the merchants. Then there was the cry about taxing the many for the benefit of the few; and monopoly. But what had chief effect in destroying our manufactures, and almost bringing us back again into colonial bondage, was that theory of foreign speculative writers called political economists. A doctrine which is now mentioned, because it is yet adhered to, and if not opposed, is now as conclusive against the bill as it was in 1816 against any efficient protection of domestic industry. This doctrine teaches that all interference like the present, by legislation, has merely the effect to force capital from one employment into another. That this forcing can only be from an employment more productive into an employment less productive, to the certain injury of the community. The argument prevailed. We have seen the effects.

Under this tariff, said Mr. T., first went all the newly erected manufactures of earthen ware. They and their workmen are now no more talked of than if they never had existed. In the same way went the most of our glass factories, our manufactures of white and red lead, our woollens, our hemp. Domestic iron has lingered a while longer, and still holds a feeble existence, dwindling every year, and gradually sinking under foreign importations. All the devastations and losses of the war were nothing compared with the devastations and losses of manufacturing capital under the tariff of 1816.

But, said Mr. T., the sum total of destruction of domestic industry will never be credited, unless we refer to the public records for the amount of manufactures brought from abroad, by which our own have been oppressed, excluded, and supplied. In the first year of peace, we imported, or there was imported for us, of lead and shot, thirteen millions of pounds; of white and red lead, seven millions; perhaps more than enough for two years' consumption of the country, even if we had none of our own. The average of the imports of both since the peace, amounts, for each year, to 7,749,368 pounds and the average cost, to near half a million of dollars a year.

Of hemp, in the first year of peace, we received 6,507 tons. This is the highest importation, except that of 1822, which was 8,903 tons. Average importation of hemp, since the peace, 4,972 tons each year.

Cost of it, in	1821 - - -	$510,489
	1822 - - -	876,687
	1823 - - -	652,591

This is altogether independent of the manufactures of hemp, for which, for the last three years, we have paid, on an average, $849,603 a year.

Earthen ware, being altogether an ad valorem article, the amount imported cannot be conveniently ascertained, except for some few late years.

In 1822, we paid for them -	$1,061,263
1823 - - - - - -	1,047,708

All these values and sums are of the imports, after deducting the yearly re-exportations of the same article; and show the quantities consumed in the country. Glass is, partly, an ad valorem article.

For the year 1823, it cost us upwards of half a million of dollars.

Upon an average of the last three years, our imported woollen goods have cost us nearly nine millions a year. That is—

In 1821 - - - - - -	$7,057,330
1822 - - - - - -	11,986,684
1823 - - - - - -	7,786,577

During the first year of peace, our country was inundated with foreign woollen goods, to the amount of $14,685,399. No doubt but a considerable portion of them were sent for the express purpose of glutting the market with double the quantity that could be consumed.

Domestic bar iron made the longest resistance. Our foreign supply for 1816, the first year of the peace, was - - - - - 12,282 tons
In 1817, it rose to - - 19,479 tons
And varied from that but inconsiderably, until 1822, when it amounted to thirty-one thousand one hundred and seven tons. In 1823, it amounted to thirty-three thousand seven hundred and eighty-seven tons; and, in the same year, the consumption of imported sheet iron, rods, and hoops, was seven thousand and forty-one tons. Even pig iron has gradually increased from one hundred and four tons, in 1818, to an importation of three thousand one hundred and eleven tons in 1823. Add that all the steel we use is imported. But of this there is no complaint. Perhaps it cannot be fabricated at home as good as the imported. Steel is not charged with any additional duty by this bill. Add, also, the manufactures of iron and steel, which are imported to the amount of about two millions of dollars a year. But there is no complaint of this. Perhaps our workmen in the fine manufactories of those metals are not so skilful as the European. There is nothing so intolerable as the dependence on foreigners for what we may have as good or better at home; which is the case of iron.

It was, said Mr. T., estimated by our statistical writers in 1816, that the quantity of bar iron necessary for a yearly consumption of the United States, was from forty-eight to fifty thousand tons. Since that time, from the decay in agriculture, in manufactures, in building, in every species of improvement and of useful business, and from the frugality which belongs to poverty, it is probable that the yearly consumption of bar iron has been lessened eight or ten thousand tons. But, however improbable, let it be supposed to continue the same, and to amount to forty-eight thousand tons a year. Then we import thirty-three thousand tons from Europe, and make for ourselves fifteen thousand. If any gentleman is prepared to say this is as it ought to be, then he must contend that we should be in the high road of national wealth, if our farmers were to get from abroad two-thirds of the grain and provisions for their families. It is notorious that these thirty-three thousand tons of iron may be made at home, that the workmen, while not employed in that business, can be employed in any other profitable business. That the food by which they could be sustained is now without a market, and useless. If so, whatever is paid to Europe for iron, is paid for what may be had, in substance, for nothing, at home. That is, it will cost the nation nothing, nor cost the consumer any more than what he now pays, except that small addition which arises from the higher rate of wages of labor; a cost which must inevitably be more than made up to him, the consumer, in a hundred different ways.

Thus, sir, said Mr. T., for these plain, common necessaries, which our own country is so competent to produce, lead, hemp, earthen wares, woollen goods, and unmanufactured iron, we go on paying a tribute to foreigners of more than thirteen millions of dollars a year; and, from a visionary fear of forcing capital into an unproductive channel, by protecting domestic industry, we have ended by forcing our own manufacturing capital into non-existence, and our workmen into beggary. What advantage has accrued to any portion of the community to compensate for this loss? Who is benefited? Not the farmer. His share of the gains from the suppression of manufactures is only to have the produce of his farm left perishing on his hands for want of a market. As little has the merchant gained, whose profits have been sinking with the decay of domestic industry. As little has the Government gained, which, twice, in time of peace, has been compelled to resort to loans to defray its yearly expenses.

It is supposed, said Mr. T., that, during the war, our manufacturer took advantage of the situation of the country, and extorted high prices; and that now he may be enabled to lay his neighbors under contribution and extort prices exactly in proportion to the increase of the duties. It is probable enough that, during the war, and at all other times, our manufacturers have taken the highest market prices for their goods. Buy where you can buy the cheapest, is the maxim of the political economist, without inquiring whether you buy from a friend or an enemy. Whether this maxim is right or not, one thing is certain, that, sell where you can sell the highest, has been the general practice of every seller since the world began, and to expect otherwise, is to expect an impracticable refinement in the morality of trade, and useless, even if it were practicable.

But, said Mr. T., the objection seems founded on a total mistake in another respect. High duties on the rival imports are not for the purpose of enabling the manufacturer to sell his wares high, and never can have that effect, but precisely the opposite effect. Mr. T. spoke only of those articles which can be made at home to any necessary extent, and the raw material of which abounds at home. It is protection only which enables the manufacturer to sell them cheaply. And protection will be found invariably to have that effect in England, in France, in this country, in every country that we know of. The reason why protection from foreign rivals should be so absolutely necessary to the cheapness of any manufacture, need not be accurately inquired into, when we know the invariable fact. Perhaps it is that cheapness depends essentially upon the assurance of a market; a steady demand. The great market, the home market, creates this demand. The profits of business, to be very small, must be very certain. This certainly can never be had without an exclusion of accidental supplies. Probably an auction of cargoes of cotton goods every month, in the neighborhood of the best established cotton manufactory in England, would, in two years' time, be sufficient to break it down. Such exclusion is peculiarly necessary to manufacturing establishments when beginning. No industry, no skill, no economy, can hold them up if abandoned by their Government, and left exposed to be undersold by foreign rivals, who know that to stop them is to destroy them. So familiar is this to the two greatest manufacturing nations of the world, England and France, that, when they mean peculiarly to cherish any manufacture, (which they invariably do, every manufacture which their people are, or can be made competent to,) they do not content themselves with a duty of twenty-five or thirty per cent. on the foreign rival commodity, but they impose a duty nearly equal to, and sometimes above, the value of the article, or they prohibit it altogether.

As to details of the bill, Mr. T. observed, that, on cotton goods, the bill left the duties as it found them, with one exception. The minimum valuation of imported cloths is raised from twenty-five cents the square yard, to thirty-five cents. The intent is to give protection to fabrics superior in fineness, by two or three grades, to those which are now protected. As to the very lowest priced goods, and those in the second and third grades from the lowest, the addition here proposed to the duty is merely nominal. Those goods will never be imported. The duty, as to them, is already effectual. It is clear that immense benefits have accrued to the country from that prohibition. This valuation of thirty-five cents prohibits no cotton goods which may not be fabricated better at home than any imported, and cheaper, too, most certainly, as soon as foreign competition is excluded, and never before.

A specific duty is proposed, of six cents per square yard, on cotton bagging. It is understood that the war, which excluded importations, gave to Kentucky and other Western States the opportunity to supply the cotton-growers with bagging—a trade not hurtful to either side, but which is now prostrated. The duty of six cents is intended to be protective and prohibitory, and to give to those States which manufacture the bagging, and which consume vast quantities of cotton, an advantage corresponding in a very small degree with the protecting duty enjoyed by the cotton-grower of three cents a pound.

As to the specific duties on sundry articles of hard ware, Mr. T. said those were taken chiefly from a list furnished by the Secretary of the Treasury, some years ago, in answer to a call from the House. This was from a desire to substitute specific duties wherever practicable. Complaints are made, that, in some items, the change proposed will be inconvenient. If the Committee think so, these will be struck out.

If, continued Mr. T., the prevalence of smuggling is apprehended from this increase of the duties, a little reflection will perhaps show the alarm to be unfounded. The duties here proposed are not extravagantly high, not amounting to one-half of the usual protecting duties in other countries. There seems no just reason to apprehend that the practice ever can be carried on in this country so as materially to affect any provision of the law, either for revenue or for the protection of domestic manufactures. No ship-owner, no captain, incurs the risk of forfeiting ship and cargo for the sake of evading the duties on such articles as can be clandestinely landed. This dread of smuggling is perhaps imported from Great Britain, and received here, like many other impressions, without much inquiry whether it is applicable to our situation. The British coast is, perhaps, as extensive as our own. France lies within sight. A boat may sail from one country to the other, probably, in less than one night. The English duty on French silks is said to be between eight and nine dollars per pound. So on brandies—their duties are very high. So on laces. The English smuggler, if successful, gains enormous profit; whereas here there are not only all the difficulties arising from distance, but there is no such temptation of profit. Take the article said to be charged with the highest duty in our tariff for the purpose of protection—that of coarse cottons—which are said to pay a duty of 100 per cent: suppose they could be landed without detection—would they be smuggled? No. Because smuggling can only be of those articles which can be bought very cheap and sold very dear. So, take any article charged the highest in this bill for the purpose of protection. Take those woollen cloths, subject to the minimum valuation of forty cents, or those subject to that of eighty cents: so far from any just ground to apprehend smuggling, reason and fact will show that a reduction of their price below the lowest that can be imported will inevitably follow their protection.

As to the question, what effect this bill, if passed, will have upon the revenue? it may be answered, Mr. T. thought, satisfactorily, to every friend of the measure. The importation of some things may be stopped, and are intended to be stopped; but of those items the most important to the revenue, the reduction of the amount of imports by the substitution of domestic goods must be more than made up by the augmentation of the duty. Besides, the Secretary of the Treasury has clearly shown, in his communication to Congress at the last session, that the most of what can be lost to the revenue by the prevalence of home manufactures may be restored in the augmented duties upon articles which will still be imported. For three years, or perhaps longer, it may be reasonably expected that the revenue will be increased by the change here proposed. But, if the contrary were apprehended, that would be no reason against increasing the real wealth of the country by protecting domestic industry.

I have, said Mr. T., but one thing more to mention. On this important question, supposing the matter to be in itself doubtful, have we nothing by which to direct the judgment to a safe conclusion? We have. We have the opinions of our own experienced statesmen. We have the examples of other nations. We have actual fact and experiment at home. Mr. Hamilton and Mr. Jefferson have shown that our only source of national prosperity was in the protection of domestic manufactures, the latter publicly retracting an opinion to the contrary in his Notes on Virginia. Every President of the Union, whenever he has mentioned the subject, which has been very frequently, has given the same opinion. So every Secretary of the Treasury. It is not known that one public man, since the formation of the Government, except members of Congress representing districts, has given a different opinion. It is notorious that the chief nations of Europe are wealthy and powerful almost exactly in proportion to the vigilance with which they exclude the products of foreign industry and cherish their own; and others weak and miserable exactly in proportion to their dependence on the industry of their neighbors. But we want no example of foreign nations. We have an experiment of our own, conclusive. I mean, said Mr. T., the prohibitory duty imposed in the year 1816 on cotton cloths, the only prohibitory duty we ever had in this country for the protection of domestic industry. Like the principal articles in this bill: there the prohibitory duty was on an article, the raw material of which abounds at home. Now, it ought to be ever remembered that, when that prohibitory duty on the coarser cotton cloths, by minimum valuation, was proposed by Mr. Dallas, then Secretary of the Treasury, (for the immortal honor of the measure belongs to him,) no effort was left untried by the opponents of protection to crush the measure. And, even after it became a law, the merchants of Salem, by a memorial to this House, showed how detestable the measure was considered to be by them, and assailed it by predictions of every ruinous consequence. What, then, were those arguments against the prohibitory duty on coarse cottons, and the pernicious consequences which, according to the fears of the merchants, and the books of the economists, were most surely to happen? First, that imported coarse cottons were used in immense quantities, chiefly by the poor; that nothing could be more iniquitous and oppressive, than to wring from the poor double prices for the necessaries of life, in order to divide the proceeds among a set of rapacious manufacturers, who, so far from being able to enter into competition with the workmen of India or England, could never live by their trade, unless they had a charter for extortion, and were quartered, by force of law, upon the hard working agriculturists. Then, there was monopoly—monopoly; and taxing the many for the benefit of the few. Was this all? Not half. The people would have India muslins, in spite of the law; smuggling would come in fashion, and morals be spoiled. Commerce and ship-building would sink, together with the public revenue. Now, said Mr. T., if, in stating the consequences which really have followed the prohibition of foreign coarse cottons, I state any thing which any gentleman does not know to be the fact, let him consider the whole experiment as thrown away. Instead of the oppression of the poor, and a tax on the community to support the manufacturer, that article, protected by the prohibitory duty, is now afforded to the consumer at a less price per yard, than those flimsy India muslins used to be sold for; and if you take durability and other qualities into view, it is now sold for one-half, perhaps for one-third, its former price. Instead of our workmen being found unequal to the India or British manufacturer, they have been able to contend with the British themselves, on equal ground, in every market, successfully, as is proved by the notorious practice of the British workmen, of palming their coarse cotton goods upon their customers, under the name and disguise of American. Instead of smuggling, it is clear that those India muslins could not now be sold in this country, if the duty was taken off, and a bounty allowed on their importation. Instead of supporting the agriculture of India, by wearing their cottons, we create an immense market for the raw material raised in our own country; and another market to our own farmers, for the immense quantities of provisions consumed by the workmen. Instead of destroying commerce, it is a fact, that, in the town of Providence, where the prohibitory duty had an operation as strong as in any place, the coasting trade is more than doubled. All these benefits have followed protection, in one instance, of an article fabricated from our own raw material. Similar benefits, in a greater or less degree, may reasonably be expected, from a similar protection of woollen manufactures, and of hemp, lead, glass, and iron.

When Mr. Tod had concluded—

Mr. P. P. Barbour said, that, though he was entirely opposed to the bill, he was desirous that its advocates should have an opportunity of fully setting forth all that could be said in its favor, and the members of the House have time for a further consideration of its details. As soon as sufficient time for these two objects had elapsed, he should move to strike out the enacting clause.

Mr. Randolph then observed, that, on a late occasion, a gentleman from Massachusetts, who, when he did not instruct, seldom failed to entertain the House, had told us, that, if, in opposition to his resolution, he should chance to encounter a wind-mill, he should be obliged to take a tilt with it. He must confess, that he had not a tythe of the gallantry which distinguished the gentleman from Massachusetts—he had no particular relish to encounter wind-mills of any kind—but, of all the wind-mills that ever could appal the imagination of Don Quixotte himself, defend me, (said Mr. R.,) from wind-mills that go by water. As he wished for some respite, before entering upon a bill that was to signalize, perhaps to eternize, the Eighteenth Congress, he moved that the Committee rise.

The question being taken on the motion for rising, it was lost—ayes 75, noes 84.

Mr. Tod then moved to rise, and report the bill without amendment.

Mr. Cambreleng, of New York, after inquiring whether it was in order to offer amendments to the bill, after it should go into the House, and being answered by the Chairman in the negative, observed, that the gentlemen opposed to the bill had not come prepared to enter immediately on the discussion of its details, and he hoped some further time would be allowed for consideration. If the friends of the bill were determined to press it, they must be met; but, he trusted they would indulge its opponents with some further time; and he renewed the motion made by Mr. Randolph, that the Committee now rise.

Mr. Taylor, of New York, spoke to the question of order; which, he stated to be, that amendments might be offered in the House, which went to diminish the amount of duties proposed by the bill, but not such as were intended to increase that amount.

Mr. Clay said, he was far from wishing to prevent a fair and deliberate discussion of the bill; but some regard must be had to time. Numerous petitions had been presented on the general subject of a revision of the tariff, the reading of which had been dispensed with, and they still lay on the table of this House. Would it not be respectful to these numerous petitioners, (and they amounted to thousands,) to have some further disposition given to these documents? They should either be taken up and read, or referred to a committee, to have their contents presented in a condensed form, to the Committee of the Whole. The voice of almost the whole country had come up to the House, setting forth a picture of distress, invoking the interposition of Congress—that voice ought at least to be heard.

Mr. Cambreleng stated that the reading of the petitions would occupy much time. He had taken pains to count their number. It amounted, more than three weeks ago to seventy, and must be now over a hundred. He suggested their reference to the Committee on Manufactures; and withdrew the motion for rising.

The reading of the bill was then gone through, when—

Mr. Foot, of Connecticut, moved to strike out the 255th and 256th lines, containing a duty on imported spirits; the enacting of which clause would not increase but rather impair the revenue, and would, besides, operate as a bounty on intemperance.

Mr. Clay expressed a hope that the motion would not prevail.

Mr. Foot replied, that he was sorry no friend of the bill rose to state the reason which induced the committee to insert this clause. For himself, he was not to be driven from his opposition to the measure by a mere suggestion or wish of any gentleman. He believed the clause would have a tendency materially to injure the foreign commerce of the country. The present duty was already so high as to amount almost to a prohibition of the West India trade. If the object of gentlemen was to destroy foreign commerce, be it so, but let it be avowed.

Mr. Trimble, of Kentucky, was not disposed to go into a discussion of the merits of the bill at this time. If the gentleman from Connecticut thought that a consumption of that article which so powerfully affected the upper story, was an advantage to the country, let him then endeavor to strike out this clause. But, if the interests of morality were, as was generally believed, concerned in diminishing its consumption, then the clause ought to stand. Rum had been, with much truth, denominated "the Indian's Devil," but, if the interests of commerce required that the whole country must get intoxicated, he would thank the gentleman to say which was best, that they should use foreign or domestic spirits for that purpose.

Mr. Foot said, that though he professed no great skill in such matters, he would answer the gentleman from Kentucky. It was not best to get intoxicated with new spirits, but with that which had a little age. But was it seriously true, that the committee who reported the bill were desirous of encouraging the manufacture of spirits? If so, they took the proper method, in laying this additional duty on that which is imported.

Mr. Trimble said, in rejoinder, that he had often been astonished at the fund of ideas sometimes manifested by his Eastern friends; but he was happy that he could now account for all the queer notions from that section of our country.

Mr. McDuffie observed that the subject was of a nature little suited to levity: it called for grave discussion. What was the state of facts in relation to it? Seven or eight years since, we enjoyed a great amount of revenue from the importation of foreign spirits; but the duty already laid had reduced that duty by two millions of dollars. The question was clearly a question of revenue. Was it pretended that whiskey was an article the manufacture of which ought to be cherished? It was a principle which had long been settled in political economy, that luxury was a proper subject for taxation and revenue. But the present clause went to diminish the revenue from this source, while, at the same time, it tended to increase the use of the article by the people. Of all the various descriptions of manufacture, this was, in every view, the least worthy to be encouraged. It involved little skill, capital, or machinery; and could not be argued for on any of the grounds usually taken on the subject of the tariff.

Mr. Clay differed entirely from the gentleman from South Carolina; but he was very unwilling to go into discussion of the general principles of the bill on one of its mere incidental details. A better course would be for some gentleman to move to strike out the enacting clause, and then let the Committee take up the measure on general grounds. It has been said that the clause in question would diminish the revenue. This might possibly be the fact; but must it, therefore, necessarily diminish the wealth of the country? Suppose we had imported ten millions of gallons of foreign spirits. It is true, we derived the amount of the revenue upon it, which, so far, was a gain; but, so far as we thereby encouraged foreign agriculture, we paid an equivalent for what we gained. But, if, instead of having been manufactured abroad, and paid for abroad, the same quantity had been made at home, and paid for at home, which would have been the greatest gain to the country? Wealth at home was to be preferred to that which was brought into the country from abroad. And were this duty, instead of being diminished, to be increased yet more than is now proposed; were the tax on it to be increased, so as to go to an absolute prohibition, I, for one, said Mr. C., am prepared for myself, and I may say for my constituents, to meet a tax on our home products. I am not to be frightened by that ominous word "excise—excise," if the wealth of the country is substantially to be promoted. I agree that the Western country is interested in the manufacture of spirits; but I ask, by importing spirits, are you not encouraging the foreign manufacturer? We may experience the same vicissitude in seasons and in crops that other countries have experienced—we may experience times of scarcity, and even of famine. Whatever encourages the extensive growing of grain, provides you with a resource against such a calamity. But this article affects not only the grain-growing, but the fruit-growing, and the malt-making districts of our country—they are all interested in the exclusion of foreign spirits. Look at the example of England; she excludes the brandies of France and the gin of Holland; and so do France and Holland exclude England and each other. The duty has a double operation; it not only encourages home manufactures, but home agriculture likewise—while the admission of foreign spirits not only goes to encourage the foreign manufacturer, but the foreign agriculturist also.

But, I will not anticipate the discussion of the general question—when that comes up, I think I shall be able clearly to show that the national wealth is the only substratum on which to raise taxation.

Mr. Garnett, of Virginia, was surprised to hear the tax on foreign spirits advocated on the ground of encouraging agriculture—its operation was directly the reverse. Suppose you send a bushel of wheat abroad, and get in exchange a gallon of rum; you thereby destroy the demand abroad for one bushel of grain; but this bushel of grain, if distilled at home, will produce two gallons of spirits—so that when home spirits are used in the same quantity as foreign, they occasion only half the demand for agricultural products that would arise if imported were used.

Mr. Tomlinson, of Connecticut, agreed in the opinion, that it was improper to discuss the general questions involved in the bill, on incidental motions respecting its details; but, since the motion has been made to strike out the present clause, he considered it his duty to support that motion. The Speaker, in the remarks he had made on this subject, seemed to think that the people of this country were all agriculturists—and to forget that our commerce had any existence. But surely that commercial interest which had proved to this country a source of so much wealth, aggrandizement, and national glory, was at least to be looked to as much as the interest of agriculture. The honorable Speaker seemed to believe that we are to have no reference whatever, in our discussion of the duty, to our exports which bring in the foreign spirits—to the fish, the live stock, the lumber which go, not only from the Eastern, but from the Middle States, and from States south of this District also, out to the West Indies, and bring back the spirits in return. Even under the duty, as it now stands, the West India trade is languishing—the only profit is on the outward cargoes, while there is always a dead loss on the returns. In this exchange of commodities consists a great part of the commerce of this country. The increase of duty on foreign spirits now proposed, will destroy that branch of commerce altogether—the forests of Maine will not be cleared—the fisheries will languish. The honorable Speaker has professed his readiness to meet an excise. If he is ready now to propose an excise on domestic spirits to the same amount as the proposed duty on foreign, I am prepared to go with him in both. I should have no objection that the committee make the duty on the imported article fifteen cents instead of six, provided they lay an excise of the same amount on the domestic article. That would indeed be a public blessing—and would, of itself, produce a fund more than sufficient to carry on and complete that magnificent scheme of internal improvements, which has this day passed this House. The measure, as now proposed, operates in a peculiar manner, on one particular district of country. The interests of the farmer, the merchant, and the manufacturer, would then be alike promoted. As to any moral influence that is hoped to arise from the prohibition, it is almost nothing. I admit that no greater social or individual evil can curse a nation, than the excessive use of ardent spirits; but, will a duty of six cents a gallon, cure, or in any degree lessen this evil? If the object is to destroy the use of spirits, let us have a duty that will prove adequate to its end. When I heard the section read, that is now under discussion, I did suppose that it was a provision intended simply for revenue; and if such was the calculation of the committee, they have labored under a great mistake as to facts. The effect of an increase of duty on spirits, has invariably been to diminish revenue. What has been the experience of England in this matter? Her duties on imported spirits amount, now, to about fifteen shillings sterling a gallon; and yet, the article brings less into the Exchequer, than when the duty was only two and six pence. It is plain, however, from the very argument of the honorable Speaker, that revenue alone was not the object. Sir, I am no advocate for the use of spirits; nor is the country from which I come, peculiar at all, (whatever the honorable member from Kentucky may suppose,) for its attachment to the use of what has such surprising effects on the upper story. And, lest I should be misunderstood, I will assure the friends of the bill, that I am entirely friendly to it; and that, were this clause stricken out, the bill should have my cordial approbation and support.

Mr. Hamilton, of South Carolina, then observed, that, if gentlemen blended any views to morality in their speculations on this subject, spirits were certainly a most praiseworthy subject of taxation. But if the section now objected to operates as a prohibition of foreign, and, at the same time, a bounty to domestic spirits, the objects of morality are not likely to be promoted by so high a duty. If it will be any blessing to the country; if it will add any thing to the lovely scene of its domestic felicity, to have a loathsome *still* on every side of the picture, the country is likely to be supremely blessed. The honorable Speaker, no doubt, prefers whiskey to brandy, and we seem in a fair way to have, in abundance, the pure Western stuff, fresh from the still. It further appears, that we are about to have a famine, and that it will be necessary to keep the whole country drunk for fear of a dearth. We have indeed pleasing prospects before us. But, to be serious, when, from the days of Lord Chesterfield, till the present time, the records of British history are filled with the discussion of this subject—when it has been so ably argued on both sides of the Atlantic, and the whole subject was, as he supposed, so fully understood and settled, he had really been surprised to find a provision of this kind introduced into the bill.

Mr. Clay rejoined. He had been much amused with the witticisms of the honorable gentleman from South Carolina; but he was restrained from entering into any thing like a general discussion of the question, by a fear that this was not a favorable time of the day for such discussion.

Yet he could not refrain from noticing the argument of his honorable friend from Connecticut. If he had rightly apprehended that argument, it was in substance this: The produce of Connecticut is sent to the West Indies, and spirits constitute the return cargo. If you impose a higher duty on spirits, the produce of Connecticut can no longer be sent to the West Indies. But this same argument is urged with equal reason against the whole tariff. If it taxes an article raised in the Middle States, then the gentlemen from the Middle States urge this argument. If you tax an article that is the produce of the South, then gentlemen from the South urge it. Each different section of the country holds the same language. The honorable gentleman is quite ready to concur in an excise on the Western whiskey, because that will not affect Connecticut; but if any duty is proposed that touches Connecticut, then our commerce is gone at once! The glory of the nation is annihilated; the country is going to speedy ruin!

The argument is fallacious. Its fallacy consists in this: it assumes that those persons in the West Indies, who want the produce of Connecticut, will not take it unless the Connecticut trader will take rum in exchange, (which he will not do if the duty is raised;) but this is not the fact. I say that, if they want the produce of Connecticut, as they do, and will, and must continue to want it, and the Connecticut trader refuses rum, they will give him something better. They only give rum now because he will take it, and it is the worst thing they have to part with. As he did not intend to pursue the discussion now, Mr. C. said he should conclude with expressing a hope that all deliberations and discussion of the Committee would be marked with a spirit of moderation, amenity, and mutual forbearance.

Mr. Cuthbert said that he only rose to remark that the course the discussion was taking, was, in itself, a proof that the Committee ought now to rise and report. The honorable Speaker, it appeared, was averse to this skirmishing mode of warfare—and why? It deranges his legions—it breaks the order and system of his array, and thereby impairs his strength. He thought it was no more than what was due to the honorable chairman of the Committee on Manufactures to give at least one night's reflection to the extended exposition of the bill with which he had favored the Committee. The honorable gentlemen had spoken of a spirit of forbearance. Was there not some danger of its being thought that a determination to press the discussion farther at this time would show some want of that spirit? He hoped the Committee would rise, and would himself make the motion to that effect, but that he preferred it should come from the other side.

Mr. Clay then said he would with great pleasure oblige the honorable gentleman from Georgia. The only reason why he had before objected to rising was the early hour.

Mr. Clay then made the motion, and the Committee rose and reported, and had leave to sit again.

Thursday, February 12.

Mr. Cushman, from the Committee on the Public Buildings, made a report in relation to the works on said buildings, during the last year, and to their present state and condition, accompanied by a bill making appropriations for the public buildings; which bill was read twice, and committed to a Committee of the Whole.

Mr. Cook, from the committee appointed on the 9th of December last, on so much of the several acts passed for the admission of Indiana, Illinois, and Missouri, into the Union, as sets apart a portion of the money arising from the sale of public lands in those States, for the purpose of constructing roads and canals leading to those States, respectively, to which committee was referred, on the 2d instant, a resolution of the General Assembly of the State of Indiana, reported a bill to authorize the laying out and opening of a road from Wheeling, in the State of Virginia, to the seat of government of the State of Missouri; which bill was read twice, and committed to a Committee of the Whole.

The resolution laid on the table by Mr. Floyd, yesterday, was taken up, read, modified, and agreed to, as follows:

Resolved, That the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott for the government of the Army, are now enforced in the Army, or any part thereof, and by what authority the same has been adopted and enforced.

The **Speaker** laid before the House a letter from the Secretary of the Navy, transmitting a statement of contracts made by the Commissioners of the Navy, during the year 1823; which were laid on the table.

The **Speaker** laid before the House a communication from the Secretary of the Treasury, accompanied by sundry statements, showing the commerce and navigation of the United States, during the year ending on the 30th September, 1823; which were laid on the table.

Mr. **Isacks** called up the resolution, offered by him some time since, to inquire into the expediency of the continuance, for five years longer, of the pensions to the widows and orphans of such officers and privates as have fallen in battle, or been wounded in the late war.

The resolution is in the following words:

"*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving the laws allowing a pension to the widows and orphans of such officers and privates of the Army who may have fallen in action, died in service, or of wounds received in service, during the late war, so as to continue the said pensions for the term of five years longer, after the expiration of the first terms, respectively."

Mr. **Wickliffe** inquired whether the widows and orphans of marines were included in the law proposed to be revived.

Mr. **Isacks** answered that he understood not.

Mr. **McCoy** hoped that the pension system would have leave to rest.

The question being put on agreeing to the resolution, it was carried. Ayes 70, noes 44.

Mr. **Cambreleng** stated that, as the House might be called on to vote on the tariff bill, in its present shape, he had taken pains to prepare a statement of what would be the practical operation of the provisions of that bill, which he was desirous of presenting to the House.

The statement was received, and, after an unsuccessful motion of Mr. **Condict** to lay it upon the table, was ordered to be printed.

Mr. **Tracy** called up the resolution, offered by him some days since, making certain inquiries of the Secretary of the Treasury, in relation to real estate purchased by the United States. The resolution was taken up and agreed to.

Mr. **Longfellow**, by leave of the House, presented a remonstrance and memorial from merchants and other inhabitants of the town of Portland, in the State of Maine, against the passage of any bill having for its object an increase of duties on foreign manufactures, upon their importation into the United States, for the purpose of protecting and encouraging domestic manufactures; which memorial and remonstrance was committed to the Committee of the Whole on that subject.

Mr. **Henry**, from the Committee on the Public Lands, to which the subject was referred, reported a bill to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan; which bill was read twice, and committed to a Committee of the Whole.

On motion of Mr. **Van Rensselaer**, a committee was appointed to inquire into the expediency of devising suitable regulations for the preservation and police of the Capitol and its appurtenances; and Mr. **Van Rensselaer**, Mr. **Mercer**, Mr. **Forsyth**, Mr. **Rich**, and Mr. **Lathrop**, were appointed the said committee.

THE TARIFF BILL.

The House then again resolved itself into a Committee of the Whole, on the bill to amend the several acts for imposing duties on imports.

The question pending, from yesterday, was, on the motion to amend the bill, by striking out the words following, viz: "On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto"

Mr. **Wickliffe**, of Kentucky, first rose, in continuation of the debate on this motion, which he considered as involving the great principle of this bill, and particularly so far as it affected that section of the Union which he represented—a consideration which, he hoped, would excuse his troubling the Committee at this time. Looking at the contents of this bill, at the province of the committee which reported it, and the grounds on which it had been supported, he regarded it as a bill intended for the protection of manufactures, and not, as it seemed to be considered by the supporters of the motion, as a commercial or a revenue bill. Mr. W. said, he was himself disposed, by increasing the duties on imports, to extend to the infant manufactures of the country, and to the encouragement of its industry, all the protection that can be given to them. But, whilst he would do this, he was not disposed, by overdoing this encouragement, to be led into a state of things which would necessarily result in the establishment of a system of internal taxation in the country. He did not believe, he said that the Union is prepared, at this time, for that state of things. He spoke with great confidence for that portion of it by whose kindness he had now the privilege of addressing the House. However anxious the people of that part of the country might be to promote the interests of domestic manufactures, they were not prepared to go the length which some gentlemen, not in debate on this floor, indeed, but in private conversation, had seemed to intimate that this measure would carry us. They, said Mr. W., have no fondness for your excisemen and tax-gatherers. They learned a song in 1798, the memory of which they yet cherish, the chorus of which is "Liberty and no Excise!" In time of war, he said, they would cheerfully submit to the burdens of internal taxation, to provide for the support of the armies and navies of the country; but, in time of peace, they would as soon welcome a real blue-light man among them, as an exciseman. They would as soon hail, as brothers, those "just men made perfect," who, after having, by their entangling commercial relations, brought the country into a war, seemed to think that the machinery of our Government was not competent to its successful prosecution.

Mr. W. did not make these remarks, he went on to say, as indicating the vote he was to give on this bill. If, however, he should be made sensible that the bill would lead to the state of things which some had anticipated, he could not give it his support. And one promise he was prepared to make; that, if the clause now under consideration were stricken from the bill, he must and would vote against it. Taking this bill as a whole, he could not regard it as a bill to increase the revenue of the country. There was no complaint, he observed, of any deficiency of revenue to meet all the expenditures of the Government—unless it should be desired for the more speedy extinction of the public debt, to which measure he professed himself friendly. It was not a revenue bill; for, the House had been told, by the chairman of the committee who reported it, that its effect probably would be to diminish the revenue. Mr. W. therefore, regarded the bill simply as a manufacturing bill, having for its object the encouragement and protection of the manufacturing interest of the country. Viewing it in this light, if the clause now under consideration should be stricken out, what was promised to the section of country which he represented, in lieu of the sacrifice she is to make, by paying, in the increased cost of the manufactured articles she consumes, the additional duties proposed by the bill?

The gentleman from Connecticut had professed a disposition to encourage manufactures, but was, at the same time, against the commercial interest contributing its proportion to the general sacrifice. The consumers of cloths, and other articles of importation, designated by the bill for higher duties, were called upon to contribute for the benefit of the manufacturers—for the bill could be considered in no other light than as a system of bounties to manufacturers, and, by this bounty, the price to the consumer was to be advanced. The commercial interest was not to contribute any thing, upon the plan of the gentleman from Connecticut, but the agricultural interest was to contribute all. Mr. W. replied to some of the arguments urged yesterday. Among other observations, he said, why is a further duty proposed to be laid on bar iron and lead? Because the country abounds in those articles, in quantity and quality equal to those of any other country in the world. So of the raw material of every other article of manufacture embraced in the bill. Now, Mr. W. asked, is it the policy of this country, while increasing the duty upon every article of importation, of which the country possesses the raw material, and the capacity for its manufacture, not only for home consumption but for exportation, to exclude the only manufacture, of any extent, of the Western country? Is there a greater reason for imposing higher duties on the other articles embraced in the bill, than on that now under consideration? Mr. W. here adverted to the amount of importation of foreign distilled spirits, as affected by the existing duties, and went into an inquiry whether this was not as fair an object of taxation as any other article of import. He would not inquire, he said, whether hilarity was more promoted by foreign or domestic distilled spirits—from either, it was sometimes too much promoted—gentlemen might, if they pleased, prefer the brandies of France, or the rum of Jamaica, to the spirit of domestic origin; but their preference of the one or the other did not affect the true point for inquiry here, viz. whether an article, which we can abundantly produce at home, is susceptible of higher taxation when coming from abroad, than it at present bears? It was a manufacture, surely, as worthy of protection as that of straw hats. The capital employed in the one manufacture is much greater than that which is employed in the other; and yet the House was called upon, by those who opposed the proposed duty on distilled spirits, to protect the manufacture of straw hats and bonnets by a tax upon leghorns. It was as good an argument against taxing them as against taxing distilled spirits, that such a tax would operate to the prejudice of the commerce of the country. The duty on Russia hemp, too, might as well be objected to, on the ground that it weakens commerce, and lessens the supply of the article to the Eastern manufacturer. But, he said, it appeared that gentlemen were disposed to exact from the agricultural States encouragement for the manufacture of cotton and woollen cloths, but not to encourage the manufacture of whiskey and the growing of hemp, because a trade in them was necessary for the interests of commerce, &c. Mr. W. was for placing these two interests of the country on the same footing.

The only objections, he said, which he had heard to the increase of the duty on the importation of spirits, were, that it would lessen the revenue of the country, and disturb the commerce with the West India islands. As to the first of these objections, Mr. W. said, it would apply equally to every article of the bill. And, as to the second, he argued that the augmented importation of the raw material, molasses, from which rum is distilled, would more than compensate for the diminished importation of rum, which would be caused by the augmented duty, besides affording additional employment, in the manufacture of it, to the labor and industry of the country. Mr. W. then adverted to the proposed increase of duties on coarse cloths, of which a great quantity is consumed in the country which he represents, and to the tax to be levied upon his constituents to the amount of increase of duty, by the consequent augmentation of price of the article, whether of domestic or foreign manufacture. Why should this be exacted from his constituents, if any participation in corresponding advantages was wholly denied to them? Mr. W. said, he wished this bill to pass, if assured that it would not have the effect which some predicate of it. Yet he wanted to see something like reciprocity in its details. He was not willing, whilst his constituents were to be heavily burdened by the bill, that they should derive no benefit from it. He was not willing that the agricultural interest should be made to pay all, and receive nothing.

Mr. MALLARY observed, that the gentleman who had just spoken in opposition to the motion had assigned some reasons, which he considered unfounded. It was to be expected, that the discussion of a bill so wide in its extent, and affecting so many different interests, would produce some collision of opinions. There could scarely be a provision in the whole bill which would not affect some parts of the country more than another. It was the duty of the friends of the policy to equalize the advantages, as well as the burdens, if any burdens should be imposed, throughout the country. However great the evils produced by the extensive use of spirits, they could not be avoided. It was an article of commerce of great extent, and it must be considered as such in our Legislative proceedings. The inquiry was, whether the duties already imposed were not sufficiently high? Has not protection to the domestic article already exceeded that of almost any other? The importation of spirits at a former period was enormously great, amounting to about twelve or fifteen millions of gallons in a single year. The duties upon it amounted to nearly two-fifths of the whole revenue. The tariff of 1816 has been the cause of reducing the import to about four millions of gallons per annum. The use of spirits has not diminished, but increased, from the cheapness of the domestic article, and increased population. The domestic produce has enjoyed the benefits. No part of the country has enjoyed greater advantages than the West. Let us inquire what has been the effect upon the trade and commerce of the Eastern States, especially of Connecticut. From one port, a few years ago, about fifty vessels were engaged in the West India trade—now they have eight or nine from the same port. Other ports have suffered equally great. Ought this particular branch of commerce be reduced any more? Have not the people concerned made sufficient sacrifices for the benefit of the other interests of the country? If burdens are to be imposed, ought they not to be applied to some other interests, which have not suffered as much? Mr. M. said, he was in favor of the bill, and should vote for it as it was, but should prefer it with the provision under discussion removed from it, and appealed to the friends of the bill to say, whether justice did not require that it should be done.

The gentleman from Kentucky, who has just spoken, says that the bill proposes a duty on woollens, which is in favor of the Eastern States—that the Western ought to have an equivalent. What equivalent have the Eastern people had for the almost total annihilation of the West India trade? The West have been gainers, while the East have been comparatively the losers. Let me call the attention of the gentleman from Kentucky to another important point—the comparison between the duties on spirits and the duties upon woollen goods. It is evident there is no proportion. The duty on spirits is about forty-two cents per gallon, on an average. The cost is about seventeen cents per gallon in the West Indies. The duty, therefore, is nearly two hundred and fifty per cent. already; add that proposed by the bill, and it will equal three hundred per cent.; and the West has reaped its full share, perhaps more, of the benefits of the high duties. In consequence of the cheapness of grain in the West, the article of spirits could be produced there much cheaper than in the East. When the Eastern people demand an increase of duty equal to three hundred per cent. on woollens, some equivalent should be discovered, or the West would have a right to complain. For his part, said Mr. M., he considered that the committee had presented a bill, which, in general, had given evidence of their research and wisdom. It should have his support, although he should prefer it if the motion should prevail.

Mr. Tracy, of New York, next presented some of his views on the subject. He should think, he said, that so small an augmentation of the duty on distilled spirits would not have any injurious effect on commerce. It appeared to him impossible that so slight an addition to the present duty could affect the importation of rum. If the augmentation of duty would have any effect at all, as it would increase the cost of rum, it would operate beneficially to our manufacturers of rum from molasses, and, molasses being the more bulky article of the two, it would thus operate beneficially also to the navigation of the country.

But, Mr. T. said, if it were otherwise, there were several items in this bill, inserted with a view—if not with a view, certainly with the effect, to exclude the importation of the articles on which they propose duties. The proposed duty on iron ought to be intended to exclude, altogether, its importation. So also the duty on woollens. If any increase was to be made upon the present duty on woollens, it could only be justifiable with the intent and purpose of excluding altogether the importation of foreign goods of that description. If we legislate with this view, said Mr. T., to what object can the principle be more fairly applied than to distilled spirits? It would, to be sure, affect the revenue, to exclude foreign spirits altogether. But, he said, there were many other articles of importation, the exclusion of which would more seriously affect the revenue than the total exclusion of distilled spirits would. There was no increase of duty on any article extensively imported, that would so little affect the revenue, as this very one. The commercial interest would derive as much benefit from the importation of the raw material (molasses) as from the import of the manufacture from it. But, if the duty did affect commerce, it would not operate, in this respect, differently or more extensively than some other provisions of the bill.

Mr. T. said, he was opposed, altogether, to striking out this clause of the bill, because that part of the country which was most interested in this item would derive less benefit from the general provisions of this bill than any other. The particular district which he himself represented, for example, had no iron, no woollen manufactures, no capital, &c., to receive benefit from the provisions of this bill, and would yet have to pay its full proportion of the increased cost of the manufactures of the East, &c., growing out of this bill. What equivalent was offered to them? None, unless in the clause now proposed to be stricken out. The objection to this particular clause, therefore, Mr. T. said, came with an ill grace from any gentleman from the Eastern States; and, perhaps, of all the States, there would be no one so much benefited by this bill, should it pass, as the State of Connecticut, extensively a manufacturing State, and having, besides, the advantage, not common to other sections of the country; of possessing an extensive capital.

All the friends of this bill, Mr. T. said, must discover the necessity of not listening, at this time, to any proposition to amend it. Let us, said he, ascertain what is the strength of the House in regard to the general principle of this bill, and then see what amendments are advisable with a view to its ultimate passage. He hoped the gentleman from Connecticut, if friendly to this bill, would withdraw his motion to strike out the clause: If he was adverse to the general provisions of the bill, he ought still to withdraw the motion to try the question on the principle of the bill.

Mr. FOOT, of Connecticut, said he was not hostile to the principle of the bill. He had believed, for a long time, that there ought to be a revision of the tariff of duties on imports; but it must be a *judicious* revision. He could not agree with the gentleman from New York, that the question should first be tried on the general principle of the bill, as he expressed it, when in fact every particular item of the bill presented a separate principle for consideration. He could not agree, either, with the gentleman, that this bill is to be taken as it is; that it is not susceptible of amendment; that the committee which reported it possesses more intelligence than the whole House. He believed, on the contrary, there was in the House a great fund of practical information, which a debate upon the details of it would elicit. In his opinion, Mr. F. said, the interests of agriculture, commerce, and manufactures, were so connected, that they could not, without violence, be separated. In the proposition which he had made to amend the bill, by striking out the clause now under consideration, he had been actuated as much by a desire to favor agriculture, as to favor commerce. What would be the effect of it? He ought, he said, certainly to have brought into this House some experience, if nothing else; for he had been ten years of his life engaged in commerce, and, for the last ten years, in agricultural pursuits; and, practised in both, he was not hostile to either of them. Every barrel of flour exported to the United States, said Mr. F., the proceeds of which are invested in the products of foreigh countries, for importation, brings into our Treasury at least fifteen dollars, in the shape of duties on the foreign importation. You will, by compelling the consumption of the article here, by excluding importations by high duties, produce a necessity for raising that fifteen dollars upon the consumption of the article at home. Here, then, is a taxation on agriculture, to an enormous extent, the necessity for which will be produced by your legislating to the extent proposed. It was upon general principles, therefore, he had proposed to strike out the clause of the bill now under consideration. The present rate of duty on spirits, he said, is vastly higher than the duty now proposed in the bill on any article whatever. If it was increased, Congress would be under the necessity of making up, by internal taxation, the deficiency of fifteen dollars on every barrel of flour, the exportation of which should be virtually forbidden, by the excessive taxation of the articles usually imported in return for it, &c.

Mr. TRIMBLE said, he rose not to enter into a discussion of the merits and principles of the bill, but merely to state facts. It had been said, repeatedly, in the course of the debate, that, to impose an additional duty, would have an effect to diminish the revenue. On this subject he had a statement to lay before the House, which would show that the operation of the duty would be very different from what gentlemen seemed to think. But, before he produced it, he deemed it best to state the general principle that would govern him in all his deliberations, and in the several votes he might be called on to give in the course of the discussion of this bill. It was this: that he considered no tariff as fair, unless its pressure was equal on all parts of the community. He did not mean to say that if a noxious article was found in general use, that such article was not a fair object for taxation—he would, on the contrary, tax vice, if he could, out of the community, but he concluded that, if gentlemen wished to have a tariff pass this House, they had come prepared to equalize its effects as far as possible. There was one other general idea which he wished to state on this matter. If the present confederacy had never taken place between the States, they would have possessed and retained the power of laying what taxes they pleased on the ingress and egress of commodities into and out of the bounds of each, and would, no doubt, have exercised that power in rendering the taxes on each other equal. But the Constitution, (which, he could show was nothing but a perpetual treaty,) prohibited to them this right of taxation, and it was now, therefore, the honest duty of Congress to make the pressure of the tariff as equal as possible, whether the tax was direct or indirect.

But to recur to facts. It was not true that the revenue, on imported spirits, had been diminished by the taxes imposed on it, from the commencement of the Government to the present time. Mr. Secretary Dallas had shown that the annual revenue on this article, from 1800 to 1816, was something less than two millions of dollars. But in that statement he included the great importations of 1803, '4, '5, '6, '7, which do not fairly enter into the average. But, taking the importations from 1803 to 1812, the average amount will be found to be six millions, and the duties on that amount two millions—leaving out the years 1803, '4, '5, and '6, the average on the balance is about four millions, and the revenue one million. So that the average revenue to 1816 is about two millions. In that year the new tariff was laid, and the average duties on imported spirits, from 1816 to the present year, is two millions.

Here Mr. FOOT inquired whether the gentleman from Kentucky had deducted the years of the embargo and non-intercourse?

Mr. T. replied that he had not. He did not think it was a fair mode of obtaining an average to take all the lowest, and leave out the highest years, or to take all the highest and leave out the lowest. (He was glad to perceive, from the inquiry of the gentleman from Connecticut, that they were getting on terra firma again—he had no doubt all would proceed very well now.) Mr. T. here made some remarks to show that the diminution of the import of spirits, in late years, arose from the general derangement of business, and was not occasioned by the tariff of 1816, though that tariff might, in some degree, have contributed to it.

On one thing he was determined, that, so far as he was concerned, he would make the tariff fair and equal. The old tariff was so unequal, that he presumed no member was to be found who would venture to take his place on this floor and attempt a defence of it. He knew, indeed, that absolute equality was unattainable—they could not weigh out equality by dram and scruples, but must come as near it as possible.

Mr. TRACY again rose, and said, that, the more he reflected on the subject, the more he was satisfied, that, instead of striking out from the bill the clause now under consideration, the duty proposed by it was not as high as it ought to be, consistently with the other provisions of the bill. He was satisfied, he said, that it could be shown conclusively, that the same considerations which operated as inducements in regard to other articles of the bill, would operate equally in favor of the motion which he now proposed, which was, to strike out the proposed "fifteen per centum," and, in lieu thereof, insert "fifty per centum."

Mr. McDUFFIE, of South Carolina, said, that he felt himself bound, on every question of amendment, not to oppose it on the general principle of hostility to the bill, but to oppose or support it on the merits of the amendment proposed. What, then, he asked, is the principle on which the manufacturers of the country claimed protection? What is the principle on which, if at all, they need it? Not that they cannot stand a competition, on any terms, when fairly established, with the foreign manufacturers; for, if gentlemen admitted that any article of manufacture cannot stand in competition with the foreign article, that admission denied at once the policy of the prohibition of the foreign article. The only ground on which an increase of the tariff could be supported, was that of sustaining manufactures against superior advantages, from the improved machinery and more powerful capital of foreign manufactories, against competition, &c. Now, Mr. McD. asked, is not the manufactory of whiskey in this country carried to perfection? Is an extraordinary machinery, or very extensive capital, necessary to carry it on? It had already been shown, that this manufacture is now protected by a duty of two hundred per centum on its value. Was it pretended that any article, the manufacture of which is not protected by such a bounty, could be protected by any bounty whatever short of total prohibition?

The ground which he took in regard to this article, Mr. McDUFFIE said, was, that it is one which, whether of foreign or domestic manufacture, should be a subject of taxation; and the ground he now took, in opposition to the motion of the gentleman from New York, would be, that it would have the effect, if it succeeded, to protect the article, whether of foreign or domestic manufacture, from any taxation whatever. What, he asked, would be the effect of the tax now proposed? Would it not operate to the exclusion of the foreign article altogether? He appealed to any man, acquainted with the course of commerce, for confirmation of the fact, which he now stated, that the duties already existing, have almost excluded this article; that the trade with the West Indies was almost destroyed by the duty as it now stands. Mr. McD. here made some statements to show that, with regard to the comparative amount of the importation of the article of distilled spirits, the change has, under the operation of the augmentation of duties upon it, been vast. From the year 1805 to the year 1808, he said, one-half of the revenue of the country had been derived from duties on the importation of articles of this description. For the four succeeding years, more than a third of the revenue had been derived from the same source. The statement of the gentleman from Kentucky, that the amount of revenue from this source in those years had been very little greater than, under increased duties, it had been in late years, might be literally correct; but gentlemen ought to make a comparative statement, to arrive at correct results from the facts. It was true that, in 1822, the amount of the revenue from this source was two millions of dollars. But, in the years 1805 to 1807, when the total revenue was but seven millions of dollars, the imposts on distilled spirits amounted to three, four, and three millions of dollars. The duty now existing amounted, in fact, almost to an exclusion of that article, and if the same proportional amount was now imported, as was in 1805, the revenue from this very article, taking into consideration the growth of our population and the subsequent increment of duty, ought to be at least ten millions, instead of two millions of dollars.

The article of manufacture now in question, Mr. McD. said, was not one requiring extraordinary machinery or capital to carry it on, nor was it one which it was necessary to encourage in a national view, such as the manufacture of woollens, &c., necessary for the clothing of troops, &c., in a state of war. The manufacture of whiskey was one which could be increased to any extent in case of emergency. It was an article which could not be brought within the principle on which domestic manufactures rightfully claim protection; and he trusted the House would not sustain the proposition to increase the duty upon it.

What, he asked, was the suggestion of the gentleman from New York? That, if you strike out one of the items of this bill, you must another, and another, and thus lose friends to the bill. I protest against this argument, said Mr. McD. Let every article stand on its own footing, and on that ground alone. Is it to be argued that you are to protect an article by additional duties, contrary to the interest of the community, merely, as the gentleman from Kentucky has it, to equalize the tariff? The tariff, Mr. McD. said, ought to be equal, to be sure; but, as a preliminary question, no article ought to be protected which does not deserve it—and a tariff ought not to be made up of justice and injustice.

The gentleman had addressed himself to the *esprit du corps* in the House, and called upon it to take the bill as it is, or not at all. It was certainly asking of the House a very great portion of faith, to require them to take a bill, including three or four hundred items, just as it stands, without examination. Let it be taken up, said he, item by item, and thus discussed. It is by this sort of discussion only we can arrive at the truth. When it is ascertained what articles *require* protection, then let the whole be combined in one bill. Let us take up the items one by one at least, and sanction those only which merit our sanction. And, if we are to have a system injurious to particular parts of the country, let us have the consolation of knowing that it is adopted with an eye to the national interest, and for a national object.

There is a portion of this country, said Mr. McD.—a portion which I have the honor to represent—that, modify it as you will, must sustain from the passage of this bill vast and heavy pecuniary loss. But, regarding the general interests of the Union, if it can be shown that the proposed duties are connected with the independence, the power of the country, this consideration will always with them have great weight; and a system of protection of manufactures, tending to these objects, although it may bear heavier on them than on any others, will not be disapproved. But a system of a combination of particular interests, for the particular benefit of each, is one which will never receive their sanction.

Mr. McD. adverted to the article of *indigo*, on the importation of which the bill proposes an additional duty. He knew no part of the country, he said, that was at all interested in the culture of this article, but that which he in part represented. But, he said, nothing would appear more idle to the people of that country than a protection in the manufacture of indigo. They required no protection, he said, in the manufacture of any article. He trusted, therefore, that the attention of the Committee would be turned to the particular articles proposed to be protected, and decide upon them in reference to their respective merits.

Mr. McD. concluded by a reference to a declaration of the honorable Speaker, in which he understood him to say, that he was perfectly willing that an excise should be established to supply any deficiency which might be produced by this bill; he asked that gentleman if he would consent to introduce into this bill a provision for such an excise?

Mr. Clay (Speaker) explained. If an equivalent was given by the *exclusion* of the foreign article, so as to give to our manufacturers the whole supply of the market, he would consent to a tax on the domestic article equal to that now derived from the same foreign article.

Mr. McDuffie rejoined, that, if on the manufacture of the domestic article was to be raised the amount of duty now collected from the foreign article, he could not conceive what the manufacturer could gain by such an arrangement.

Mr. Mallary objected to the statement produced by Mr. Trimble, as being unfortunate in the period selected. The inquiry, to be fair, should have been confined to an ordinary and settled state of public affairs, and not to a season of distress in which the country had no commerce at all. The period from 1803 to 1820, includes that of the embargo. But, even then, the amount of revenue from imported spirits was double what it is at present. The gentleman includes, in his average, the year 1806, in which year alone we imported twelve millions of gallons—but exclude this year, and the average will be nearly four millions. With all the embarrassments of the war, we imported nearly as much as we now do. The fair inference seemed to be, that the present duty is sufficiently high. As a friend of the bill, he wished to see as many causes of objection as possible removed from its details.

Mr. Trimble said he could only explain, and then have done. His friend behind him thought his selection of a period for an average of the imports of spirits an unfortunate one. He thought the gentleman's selection an unlucky one. He compares one period of the greatest distress with another of the greatest prosperity—but I cannot consent to the fairness of such a proceeding. I think we ought to compare the most favorable with the most favorable periods, and the most depressed with the most depressed. This alone will be a fair ground for estimate and deduction. And on this principle, I think the fact will turn out to be, that the amount imported, instead of being diminished by the tariff, has been increased by it; for it will be found to be greater during the year 1816, and for four years immediately afterwards, than it was previously.

Mr. Trimble made a number of other remarks in reply to the comparative views of Mr. McDuffie.

Mr. Mallary, explained, in answer to Mr. Trimble. He thought, that, for an average, a number of years ought to be taken in succession; but either all in peace, or all in a time of war. And if, when taken in a time of war, the average was greater than it was in a time of profound peace, what stronger argument was needed to show that the duties ought not to be increased?

Mr. Tod (Chairman of the Committee of Manufactures, who had introduced the bill) rose, and said, that he was not so much opposed to the amendment as he was to the reasons advanced in support of it. Not one argument had been urged but what might be urged with equal propriety against the whole tariff. The objection is, you prevent importation—you cut off trade. Well, sir, and what is the object of the whole bill, but to protect home industry by preventing those importations which destroy it? Even the gentleman from South Carolina has urged the same objection. He tells us whiskey requires no machinery nor capital—no more do straw bonnets. Sir, I must protest against the mode of opposition which is pursued—if every member is to object to the bill the moment any of its provisions affect himself or his constituents, not only must this bill be given up at once, but domestic industry must be left without protection to the end of time.

Mr. **Reed** objected to the duty as calculated to produce frauds upon the revenue. There was no article on which the duties had so much been evaded, in Europe, as this very article of spirits. If the bill was to produce or encourage smuggling, he thought it of dangerous tendency. The statements of the gentleman from Kentucky (Mr. **Trimble**) had gone to confirm his fears. He tells us that the average amount, since 1816, is nearly the same as before that year. I am by no means sure that the actual importation has not increased, though the revenue remains stationary. It was on this point, Mr. R. said, that he wished most to be satisfied.

Mr. **Tracy** explained in reply to Mr. **McDuffie**. He did not wish to press any part of the bill without discussion, but to try the general question first, whether the House was disposed to lay duties at all for the protection of manufactures and agriculture—and, if this is settled in the affirmative, then go into the details of the bill, and consider them thoroughly, with a view to make its provisions as equal and as beneficial as possible. He thought the principle of the bill to be a new one—he meant the principle of taxing imports with the avowed view of protecting home industry. If the tariff was not to be a measure for revenue, but a measure for protection, it ought to go on the plan of excluding competition altogether. The argument of the gentleman from South Carolina, proved that at least some alteration ought to be made in the duty on foreign spirits. He has shown that it diminished importation without discouraging the use of spirits. If the tariff was intended for protection, the duty was too low—if it was intended for revenue, it was too high. He thought that, in whatever part of the tariff we depart from revenue, as the object, we ought, at once, to go the whole length of excluding the foreign article. As to the moral question, involved in the discussion, he should not touch it, as he was not sufficiently informed as to the moral operation of what had been done already.

Mr. **Hamilton** said, he was aware that, at this hour, and after so much (he thought unnecessary) discussion on this clause of the bill, to listen to any further argument on the subject, would be almost as noxious as, at this hour of the day, to take a dose of domestic blue ruin. Yet, notwithstanding all that, he was determined to oppose this bill, step by step, throughout its whole progress. In the whole discussion gentlemen seemed never to have considered that a great deal of our happiness in this world, in relation to our animal wants, consisted in consumption; that a government was morally bound to provide for its people, by every means in its power, an abundant, salubrious, and tasteful subsistence; and that the species of gratification under consideration was not unworthy the estimate of a statesman, if the interests of the revenue were to be promoted, or no principle of morality impugned. For himself, he had not had much experience in tippling rum and whiskey; but he was sure that no man could taste both, and deny that one of them was not more tasteful than the other. It was the duty of Congress to provide for the people the better article. But it seemed the object of the gentleman from the West, to leave to the nation only Hobson's choice—whiskey or nothing. But whatever might be the claims of the domestic industry of the West on this subject, he thought the claims of Connecticut were equally strong. The rum of the West Indies, imported into Connecticut, was as much a product of the industry of that State, as the article of whiskey was of the State of Kentucky, for this rum was a value obtained in exchange for a commodity raised in Connecticut, or of some effort of its productive energies.

To lay a duty on the imported article, was to put a bounty on the domestic article. And the effect would be, that the surplus capital would go to making of whiskey, which would otherwise go to the raising of wheat and of animals. But to suppose that, in that case, the high price of whiskey would continue, was certainly fallacious—the price would fall, and the consequence would be, that we should only get five times the quantity of whiskey that we now have, without increasing the wealth of the country a single dollar. The honorable Speaker has told us that he will consent to an excise; it is quite competent for him to say so—but will the country go with him? He may call up spirits from the vasty deep, but will they come when he does call them? Lay an excise, and the consequence will be another change in your Government, perhaps another whiskey insurrection. The honorable chairman of the committee says, that if each member objects to that part of the bill which touches his own district, we shall have no bill at all; well, sir, that is just what we ought to have. Then we should have only a revenue bill, and an average tax of twenty-five per centum upon the trade of the country. In conclusion, Mr. H. observed, the gentleman from Kentucky has told us, that equality could not be measured out by drams and scruples. In reply I have only to assure him, that I entertain serious scruples in taking the dram he has prepared for us.

Mr. **Stewart**, of Pennsylvania, rose and said, he considered the duty proposed, as not so much intended for the benefit of the manufacturer of spirits as for the grower of grain. The gentleman from South Carolina says, that its object is not of a national character, but, if viewed in its operation on the farmers, it certainly has that character. The agriculturist has lost his market; his products are absolutely shut out from Europe; where he sold a thousand barrels of flour, he does not now sell one. And it is the duty of a protecting and parental government to provide a market for him, if it can be done. But, gentlemen exclaim, you will destroy commerce—how? By preventing us from importing spirits. As well might they tell us we ought to export grain, and import our bread, lest commerce should be unemployed, as to tell us we must export grain and import spirit for the sake of commerce. It is certainly as proper that a nation should import its bread, as import its drink. And it is quite as much the duty of Government to protect the man who raises the material for our drink, as the man who raises the material for our bread. The gentleman from South Carolina cannot comprehend how the country is to be a gainer, if the excise is made equal to the duty on imports —the difference is obvious. We in the one case keep our capital at home, and in the other we send it abroad; the difference is the whole price—which in the one case is sent out of the country, and in the other is kept within it. I very well remember that, in the district of country I have the honor to represent, there was paid during the late war a heavy excise—yet there was never known a period of such prosperity to the manufacturer of whiskey; there was twice as much made then as there is now. The interior labors under peculiar disadvantages. The products it raises are bulky and will not bear the cost of transportation to a distant market. Government ought to protect and cherish them at home, and provide a home market. There was such a market to a considerable extent in our manufacturing establishments, but these are crushed. During the war there were, in my district, from fifteen to twenty furnaces, besides forges, rolling and splitting mills, and other establishments for the manufacture of iron. In 1816 the duty was taken off from imported iron, and they were crushed. One after another sank, sank, sank; they were all ruined—their hands were dismissed, and the agriculturist lost his market, while the manufacturer lost his all. You took that market from the farmer—it is your duty to restore it, or give him some equivalent. The gentleman from South Carolina was pleased to designate the spirit of our own domestic manufacture as blue ruin. Nothing will suit him but the spirit that is imported. He likes red ruin. Rum is, in his estimation far better colored, and far better tasted, than whiskey. Possibly he likes it because it is of a red color. But, sir, to my taste, old whiskey, the genuine old Columbia, is better than the gentleman's red ruin. There are some gentlemen who cannot bear any thing that is domestic. Call it foreign, and they approve it at once—but nothing that is domestic is good enough for their use. But, sir, if you look at the effects produced, I see no reason why red ruin is any better than blue ruin. If a man gets drunk I do not think it will make much difference, whether it is on foreign or on domestic spirits. If there is any difference, it is in the expense to his family, and that is all on the side of the domestic article.

The gentleman from South Carolina thinks it would be much better to raise animals, and send them to the eastward, than to occupy our capital in distilling whiskey. But, sir, I can tell the honorable gentleman that there is nothing better or more favorable to the raising of those animals which we of the West drive down to feed him and his neighbors, than distilleries. The duty in dispute I take to be for the protection of the farmer; and I ask, while our products are shut out of foreign markets, shall we go to those very markets for our meat and our drink?

Mr. WRIGHT observed, that the gentleman from South Carolina had stated it to be the duty of Government to provide for the people a beverage both salubrious and tasteful. If the object of legislation was to encourage drinking, this might be true; but as he had always understood it to be the duty of a wise legislator rather to discourage that habit, he could, by no means, assent to the tasteful proposition. He was not very conversant in the taste of rum and whiskey; but he thought that good old whiskey was better than either New England or West India rums. But gentlemen tell us that, if you distil spirits from grain, you divert the grain from being the sustenance of men. But he desired to know whether any gentleman, who used this argument, would undertake to say that there was any scarcity of breadstuffs in this country; and whether what was raised for distilling, was not so much added to the agricultural products required for sustenance? The object of the protecting duty is to give employment to a multitude of persons who are now idle, and whose families are in want of the necessaries, as well as the comforts of life; and I say that, if there is any article now imported, which ought to be excluded for this purpose, that article is foreign spirits. Is is not fair to give to our own people our own market? Shall you give a monopoly to the East, and give the West no equivalent? No man will assert that our grain-growing yeomanry (who, after all, are the country's strength, both in peace and war) are insufficient to supply all our wants both for meat and drink. I am in favor of the bill, and shall vote for the amendment to increase the duty.

It being now nearly four o'clock, a motion was made and carried that the Committee rise. It rose accordingly, and the House adjourned.

FRIDAY, February 13.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill better to provide for taking evidence in the courts of the United States in certain cases; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Thomas Williams; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the same committee, made a report on the petition of George Harlin, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. CROWNINSHIELD, from the Committee on

Naval Affairs, to which was referred the bill from the Senate, entitled "An act authorizing the building of an additional number of sloops of war, for the naval service of the United States;" reported the same without amendment, and it was committed to the Committee of the whole House on the state of the Union.

Mr. **Rich**, from the Committee of Claims, also made a report on the petition of John Holliday, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. **Matson**, from the same committee, made a report on the petition of Nathaniel Jones, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. **Hemphill**, from the Committee on Roads and Canals, reported a bill authorizing the subscription of stock in the Delaware and Chesapeake Canal Company; which bill was read twice, and committed to a Committee of the Whole.

The bill providing for the appointment of two Indian agents in addition to those already provided for by law, and fixing their compensations, was recommitted to the Committee on Indian Affairs.

On motion of Mr. **Brent**, it was

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of amending an act, providing for the examination of land titles in that part of Louisiana situated between the Rio Hondo and the river Sabine, so as to include all the neutral territory or disputed ground, between the United States and the late Government of Spain, in Mexico, situated in the western part of Louisiana, and to the east of the boundary line as established by the treaty of 1819, over which the land commissioners of the United States have heretofore exercised no jurisdiction, and to make such other alterations therein, as may be deemed expedient.

Resolved, That the same committee be directed to inquire into the expediency of authorizing by law the present land register at Opelousas, in Louisiana, to finish the business of the land office at Opelousas, left in an unfinished state by his predecessor, and that the Secretary of the Treasury be authorized to make a reasonable allowance therefor.

On motion of Mr. **Moore**, of Alabama, the Committee of Claims were instructed to inquire into the propriety of allowing compensation to Zachariah C. Alvis, a private in Captain George Smith's company of Mounted Gunmen, in the campaign against the Creek Indians, for a horse which was lost for the want of forage.

The Committee on Roads and Canals were discharged from the consideration of the memorial of the Mayor, Aldermen, and Common Council, of the city of Boston, and it was committed to the Committee on Commerce.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act to authorize the President of the United States to cause to be made a military road from a point opposite to Fort St. Philip, to Johnson's Plantation, as an auxiliary to the defence of New Orleans;" "An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land;" and, "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States, during the late war;" in which bills the Senate ask the concurrence of this House.

Bills from the Senate, of the following titles, viz:

1. An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty on board the private armed ships of the United States during the late war;

2. An act authorizing the President of the United States to cause to be made a military road from a point opposite to Fort St. Philip, to Johnson's Plantation, as an auxiliary to the defence of New Orleans;

3. An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land; were read twice, and referred, respectively, the 1st, to the Committee on Naval Affairs; the 2d, to the Committee on Military Affairs; and the 3d, to the Committee on Private Land Claims.

DISTRICT OF COLUMBIA.

Mr. **Ross**, of Ohio, submitted for consideration the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of providing by law for the election of a delegate from said District to represent the same in the Congress of the United States.

Objection being made to this resolution—

Mr. R. said it was very well known that the population of the District of Columbia is rapidly increasing, and that its commercial business, and with it the legislative wants of the people, are rapidly increasing. They have no Representative on this floor to express to the House their particular wants. Mr. R. said he could see no reason why the people of the District of Columbia should not be represented here in the same manner as other inhabitants of the United States. Petitions were frequently received from different parts of the District in favor of particular objects, and other petitions protesting against those objects. It was almost impossible, from the nature of things, that the Congress of the United States could, under present circumstances, have a fair expression of the wishes of the people of this District on the subjects, relating to its interests, which they were occasionally required to act upon. There was no mode by which this expression could be so well made, as by the people having it in their power to send a person here to represent their wants. A

Delegate sent here by them would necessarily have the voice of a majority of the people of the District in his favor, and would be able to express their wants more correctly than they could be readily ascertained in any other way.

Mr. Foot, of Connecticut, said he hoped the resolution would be agreed to, and that the people of the District would be allowed to have a Delegate on this floor. On the score of economy, to save the time of the House, and the money of the nation, if for no other reason, he considered this measure advisable.

Mr. A. Stevenson, of Virginia, asked whether there had been any expression of the wishes of the people of the District in favor of this measure.

Mr. Ross replied that he was not aware whether there had been any petition addressed to the House on this subject, but, in conversation with inhabitants of the District, he had frequently heard such a wish expressed.

Mr. Taylor, of New York, observed that the Constitution provides that the exclusive legislation for the District of Columbia should be placed with Congress. He was averse from a proposal to relieve Congress from a part of that duty, by the election of a Delegate from that District. Such a Delegate would have no vote on the floor; he could only tell this House what the Committee on the affairs of that District every year now tell it. No petition from that District was submitted asking for this privilege; and he thought that this consideration alone was sufficient to show, not only why such a Delegate should not be chosen, but why Congress should not even direct an inquiry on the subject. Let us not, said Mr. T., of our own mere motion, attempt to throw off that responsibility which has been imposed upon us by the Constitution. For himself, he could say that, as a member of this House, he viewed himself as much the Representative of the District of Columbia, as of the district which had done him the honor to make him its Representative in this House, and he could, with truth, say, that he felt as much interest in its prosperity as in that of his own district; and he had no reason to doubt that other honorable gentlemen felt as he did. The most respectful attention had always been paid to representations coming from the inhabitants of this District. He believed that no just complaint had hitherto been neglected. He knew that they had occupied a large share of the time and attention of this House; even on the administration of justice, which was acknowledged to be the most defective part of the affairs of this District, much time had been spent, and great improvements had been made within a few years past. If the inhabitants shall think fit to send forward to this House a memorial on the subject, it will receive the most respectful attention. Until they did, he did not conceive it necessary to act upon it.

Mr. Culpeper, of North Carolina, said he presumed that the resolution, and what had been said upon it, would be sufficient to elicit the opinions of the people of the District upon it, and he, therefore, moved, for the present, to lay the resolve on the table.

Mr. Neale, of Maryland, suggested that a memorial had recently been presented in this House, and referred to the Committee on the District of Columbia, embracing a prayer for this, among other objects.

The question was then taken on the motion to lay the resolution on the table, and decided in the affirmative.

THE TARIFF BILL.

On motion of Mr. Tod, the House having again resolved itself into a Committee of the Whole, on the bill to amend the several acts for imposing duties on imports, the immediate question, depending from yesterday, being upon the motion of Mr. Tracy, to strike out *fifteen* per centum, (the addition proposed upon the rate of duties now existing on the importation of distilled spirits,) and inserting in lieu thereof *fifty* per centum—

Mr. Tomlinson, of Connecticut, rose, and said, that, having, on a preceding day, submitted to the Committee a few remarks on a motion, involving, as he thought, the principle now asserted by the mover and supporters of the motion under consideration, and those remarks having been particularly replied to by gentlemen who had followed him, a sense of duty impelled him again to ask the attention of the Committee, and fully and freely to express his views regarding the proposition immediately before them. Notwithstanding the views entertained by some gentlemen, he regarded it as a proposition which would vitally affect the commerce and agriculture of a considerable portion of the Union, and he regretted that, in the discussion of the amendment, the magnitude of the interests involved in it had not been properly appreciated. Yes, sir, said he, the interest of agriculture, the friend of which he professed to be, is intimately connected with this proposition, as he would hereafter show.

Mr. T. said, he was disposed to bring into the discussion, on the bill now before the Committee, a spirit of conciliation, and even of reasonable concession, but he could not so far indulge that spirit as to consent to an infringement of the interests of his constituents, who were engaged as well in agricultural as commercial pursuits. He had, indeed, been asked to sacrifice what he deemed the interests of the State which he had the honor, in part, to represent, to a spirit of concord and good feeling, and to yield to the imposition of the additional duty proposed; but, when he considered that a measure proposed for the adoption of Congress would be detrimental to his constituents, he should, on all occasions, make it known, and stand, at least, as their watchful and faithful advocate. He hoped to be able to convince the Committee that the amendment now before them would be essentially injurious, not merely to his constituents, but to all the Eastern, and some of the Middle and Southern States, and thus to secure its rejection.

A gentleman from New York (Mr. Tracy) had said that the objection to his amendment comes with an ill grace from the Eastern States, and especially from Connecticut. Sir, said Mr. T., I profess to have some knowledge of the interests of the Eastern States, and I am not aware that those interests have been particularly consulted in the formation of the bill under consideration. The duty on hemp, surely, is not intended to protect the agriculture of that section of our country. Hemp is not raised there; the lands of New England are not suited to the culture of it. Are the interests of commerce to be promoted by the additional duty on hemp? Will not commerce feel the injurious effects of that tax in a two-fold respect? The expense of rigging ships is augmented by the very measure which will deprive them of employment. Little hemp is raised in the United States, except in Kentucky and the Western States. This fact shows whose interest will be subserved by the proposed protecting duty on hemp. Is the duty imposed on lead for the benefit of the Eastern States? It will not be pretended that there is a lead mine east of the Alleghany mountains. This tax, then, must regard exclusively the interest of the Western States. Mr. T. said he might advert to the duty on glass and iron, further to sustain his position. The additional duty of thirty-five per cent. upon wool would be more general in its operation, but it certainly could not be concealed that wool could be most cheaply raised in the Western States, where the price of land was far below its value in New England. Indeed, he had been told, by a member of this House, that, from the single town of Steubenville, in Ohio, during the last year, sixty thousand pounds of wool had been transported over the Alleghany. Where, then, will the additional duty on wool be most beneficially felt? He was not adverse to such encouragement of the interests of the West, but he insisted that, while those interests are thus protected an important source of wealth to the East should not be destroyed. He deemed it proper thus to repel the assertions, repeated more than once, that the bill before the Committee contains provisions peculiarly beneficial to Connecticut and New England, and he did it in no invidious spirit towards the West. He certainly rejoiced in the prosperity of that country, and was ready to promote it by all legitimate and proper measures. His constituents, Mr. T. said, asked for national measures, and required nothing inconsistent with the interest of the Union, and, as their representative, he was disposed to insist upon the just and equal distribution, as well of the public patronage as the public burdens.

The objection, Mr. T. said, which, in his judgment, was conclusive against the additional duty proposed, was, that it would greatly diminish, if not annihilate, the West India trade.

It certainly would prevent the legal importation of foreign distilled spirits from the West India islands. Indeed, he apprehended that the addition recommended by the committee would fall little short of immediately producing the same result, but that such would be its ultimate effect he felt persuaded.

He would, he said, examine the nature and extent of this trade; and in doing so he proposed to enter into details which perhaps might be uninteresting, but he thought could not fail to be useful in the investigation of a measure like that now before the Committee. The bill under consideration purports to be, and bears the title of, a bill to amend the several acts imposing duties on imports. Certainly, in adjusting the numerous provisions of such a bill, the commerce of the nation ought to be brought distinctly into view, with all its ramifications and effects upon the other interests of the country. The trade with the West Indies had always been deemed of immense importance to the United States. It was a profitable trade, affording a large balance in our favor. The exports to the West India islands consist mainly of the productions of this country, for which we can find no other market. It may be useful to state a few facts in relation to this trade, which is by some gentlemen so lightly considered. The most important articles of export to those islands, of domestic produce and manufacture, are lumber, fish, the various kinds of animal food, corn, cornmeal, and flour. The flour exported to those islands in 1822 was valued at the custom-house at two millions seven hundred and fifty-eight thousand four hundred and twenty-seven dollars; more than one-half of all the flour exported from the country. The total amount of domestic exports to those islands in 1822 exceeded $10,070,000, and the exports of foreign growth and manufacture exceeded $2,390,000, making an aggregate of exports exceeding $12,470,000. The bullion imported from the same islands in 1822 amounted to $297,191, and the gold and silver coin to $1,150,932, it being almost one-half of all the specie imported during that year. Ought such a trade to be disregarded? Ought it not to be encouraged, especially when it is remembered that it is carried on in the pork, the beef, the lumber, and breadstuffs of the country, for which no demand exists in Europe? This trade, too, furnishes us with large quantities of colonial produce, which may be carried to a European market, and thus ultimately enriching the country by a double profit and freight. But this trade, Mr. T. said, had in fact languished under the operation of the duty imposed in 1816; and, so far from being able to sustain further pressure, seemed to require the fostering care of the National Government.

The importance of preserving the principal market which remained to the country for the productions that he had named would be apparent by adverting to the great difference in the quantity of those articles exported in the year 1804 and in the year 1822. He had taken the year 1822, because the report of the exports in the year 1823 was not conveniently accessible, it not having yet been printed. The value of lumber exported in 1804 was $2,548,000. The value of the same article exported in 1822 sunk to $1,307,670. The animal food and animals exported in 1804 were valued at $4,284,568. The exports of the same articles in 1822 were diminished to the comparatively small amount of $1,463,928. He had taken these articles as fairly exhibiting the depression which this branch of our commerce has experienced within the period of eighteen years.

But the diminution of exports to which he had called the attention of the Committee fell not alone upon the commerce of the Eastern States; it was, perhaps, equally destructive to the agricultural prosperity of that section of the Union. Indeed. the lumber of the States of North Carolina and Georgia must find the same market, or be lost to its owners. And the State of New York, from which the gentleman comes who made the motion now under consideration, must look to the West India market to dispose of the lumber which shall float down their northern and western canals. Deprive them of this market, and their timber must be burned on the spot where it grew, or their forests remain uncleared.

It has been insisted, Mr. T. said, that the argument which he had urged against the proposed increase of duty on distilled spirits applied equally to every part of the present bill, and would prove that no augmentation of the present duties on imports ought to take place. This argument, he said, he must be permitted to pronounce unsound, notwithstanding the high source from which it proceeded. The trade to the West Indies is of a peculiar description. It consists of bulky articles, and employs a greater quantity of tonnage, and a larger number of men, in proportion to the capital employed, than any other portion of the trade in which the merchants of the United States are engaged. Our true policy is to give protection to the domestic manufacture of those foreign fabrics, the importation of which affords employment to the smallest portion of our navigation, and which cannot be paid for in the domestic produce of the country. If it be necessary to abandon any part of your commerce for the protection of domestic industry, first abandon that which drains the country of specie, but, last of all, that which returns specie for the surplus of your bulky domestic produce.

The honorable chairman of the committee who reported this bill has urged that the objection raised against the proposed increase of duty applies with equal force to the increased duty on grass bonnets. Perhaps no instance will better elucidate the propriety of the policy for which he contended than the one mentioned by that gentleman. The bonnets referred to, on the importation of which an additional duty is imposed, are brought chiefly from Italy, and fabricated of a light material. The domestic produce exported to Italy and Malta amounts to only $560,714, and that consists of articles which cannot be obtained as well elsewhere, and for which specie will be paid if we consent to diminish the amount of our imports from that country, now exceeding $1,560,000, by the domestic manufacture of an article of dress, the cost which, in the year 1822, in that country, was $610,228.

Now, sir, said Mr. T., is it not apparent that the trade which I advocate and wish to sustain, bears no analogy to that mentioned by the gentleman from Pennsylvania? While the former is beneficial to both the agricultural and commercial interests of the country, those important interests are not materially advanced by the latter.

But it has been said, by the honorable Speaker, that, if the merchant refuses to receive, for his cargo, distilled spirits, he will be paid in something better. This is an entire mistake. Will the sagacious American merchant, of choice, take an article in payment on which he must sustain a certain loss? But the merchants tell you that the amount of duty, cost, and regular charges, on spirits imported, considerably exceeds the price of this article in our market. The fact is not as the honorable Speaker supposes. The article in question is not taken, except when nothing better can be obtained. If the avails of the outward cargo could be received in any other article, the American merchants certainly are not so short-sighted as to prefer taking that which subjects them to a certain loss. But, sir, so far from giving something better than distilled spirits for our domestic produce, the inhabitants of those islands will seek the supplies elsewhere which they have been accustomed to receive from the United States. Black cattle abound in South America, and from that country may be drawn supplies for the West Indies. The timber of Canada will find its way to that market, from which the proposed measure goes to exclude us, and the distilled spirits, which will be received in return, may be transported to Canada, where its introduction into the United States, without the payment of duty, is easy, and attended with little hazard. The transactions of the late war are not forgotten. It is well understood that, towards the close of that war, foreign distilled spirits were abundant on that frontier. This may again occur, if, by augmenting the duty, you present an inducement sufficiently strong to prostrate the integrity of those engaged in this trade. It cannot be concealed that excessive duties lead to smuggling, and this will not only diminish the revenue, but impair, seriously impair, the morality of the country. Information received from an honorable member of this Committee, supports the opinion that the payment of the present duty is evaded by the introduction of foreign distilled spirits, through the channel which has been mentioned. If brandy is constantly smuggled into England, and in large quantities, from France, is it not extremely probable that the same course will be adopted, in a country affording altogether greater facilities for the violation of the revenue laws?

The gentleman from Pennsylvania (Mr. STEWART) has defended, said Mr. T., this additional duty, not so much on the ground that it is intended as an encouragement to the manufacture of domestic spirits, as for the promotion of agriculture. The grain-growing portion of our country, the gentleman told us, needed this protection. Sir, what is the protection your laws now afford to the manufacturer of whiskey? The average amount of duty on foreign distilled spirits may be stated at forty-two cents per gallon. The average cost, in the West Indies, will probably not exceed twenty cents per gallon. You have, then, a duty on foreign spirits of more than two hundred per cent. Ought not the gentleman to be satisfied with this protection of his whiskey? Will he, indeed, insist on adding fifty per cent. to the present duty on imported spirits, while on whiskey no duty is imposed? But this additional duty is not necessary to protect the grain of the West. The existing laws have gradually diminished the importations of foreign spirits. Notwithstanding the population of this country has nearly doubled within the last twenty years, the quantity of spirits imported has diminished more than 2,300,000 gallons. The diminution of the importations being in an inverse proportion to the augmentation of our population, it is easy to see that the manufacturer of whiskey, and he who raises the grain to be converted into this deleterious liquor, have experienced a constantly increasing encouragement. The consumers have increased, in the period of twenty years, about four-fifths, and the foreign supply has diminished about one-third.

The average quantity of spirits imported and consumed in the country, from 1801 to 1810, inclusive, was 6,834,878 gallons. An accurate author has estimated the quantity of spirits distilled from grain and fruit, in 1801, at ten millions of gallons. By the returns of the marshals, in 1810, it appears that the amount distilled, from foreign and domestic materials, in that year, was 25,499,382 gallons; making the quantity of spirits consumed in that year, 31,725,417 gallons. If it be admitted, then, that the increase of the quantity of spirits consumed in the country has been in proportion to the augmentation of our population, and that our population has increased, since 1810, only one-third, it follows that 42,300,556 gallons of distilled spirits are annually consumed in the United States. Deducting from this enormous quantity, 4,567,744 gallons imported, and there will remain, distilled in the United States, 37,732,812 gallons. Is not this adequate encouragement? Will not the gentleman from Pennsylvania stop short of a total exclusion of foreign spirits? The experience of the past justifies the conclusion that the existing duty is rapidly producing this result.

The chairman of the Committee on Manufactures told this Committee that one object of the bill under consideration was to provide a revenue. This, sir, is a proper object; the bill ought to be so framed, as, by a judicious addition of duties on some articles, to provide for any diminution which may result from the encouragement properly afforded, to the manufacturer of other articles. In the year 1822, the duty paid on foreign distilled spirits imported into the United States exceeded two millions and forty thousand dollars. If you impose a duty, which shall amount to a prohibition, how, Mr. T. asked, is this deficiency to be supplied? The Government must be supported. The national debt must be paid; the pledged faith of the country redeemed. Although we have a large balance in the Treasury, yet we are told that, in order to meet the payment of that portion of the public debt which will become payable in 1825, it will be necessary to borrow about one million of dollars. Will you render it necessary to borrow two millions more?

Mr. Chairman, adopt the amendment now before the Committee; exclude foreign distilled spirits, and we present an anomaly in our revenue system. We exclude foreign, and impose no duty on domestic, spirits. An article of luxury, considered in all countries as a fit subject and a fruitful source of revenue, is exempted from taxation, while we raise about $700,000 from salt, a necessary of life. Can the gentleman from New York be serious in advocating a measure fraught with such unjust and ruinous results?

If it is determined that the duty on foreign spirits shall amount to a prohibition, I ask gentlemen to give to the country a duty on the domestic article. Let not the revenue which may be legitimately drawn from this source be lost. If this destroyer of the physical energies, and the morality and happiness of its votaries, must be permitted to continue its ravages upon society, do not the principles of sound policy dictate that it be made to contribute largely to the national revenue? If, said Mr. T., gentlemen will propose a tax of 20 cents per gallon on whiskey—call it an excise if you please, he cared not for the name—it should have his cordial approbation and support; and to effect an object of such moral and national interest, he would give his assent to the imposition of a duty on foreign spirits, which should afford adequate protection to the domestic manufacture. The imposition of such a tax, if the distilled spirits consumed in the country be estimated at forty millions of gallons, would produce an annual revenue of about eight millions of dollars. With such a revenue we might afford complete protection to all the valuable manufacturing establishments in the country, and secure an ample supply of all those manufactured articles which essentially contribute to our security and independence.

Mr. T. said he had deemed it his duty to explain to the Committee the views which he entertained regarding the proposition before it, and he could say that it was his wish to consult, not merely the interest of manufactures, but of agriculture and commerce. Those interests were closely and intimately interwoven. They are the joint sources of the national wealth, and great care is requisite that they do not come in collision.

He concluded by expressing a hope that the details of the bill would be so arranged as to do justice and afford satisfaction to all classes of the community, and to every section of the Union.

The question was then taken on Mr. Tracy's motion, and decided in the negative by a large majority.

The question then recurred on the motion of Mr. Foot, of Connecticut, to strike out the whole of the clause proposing an increase of duty on the importation of distilled spirits; and, being taken, was decided in the negative—102 votes to 67.

Mr. Garnett, of Virginia, moved to strike out of the bill the clause in the following words, viz: "On oranges, fifty cents per hundred; on lemons, twenty-five cents per hundred; on limes, ten cents per hundred." In support of this motion—

Mr. GARNETT said, that, while this bill was alarmingly comprehensive in some respects, it was singularly, not to say ludicrously, minute in others. Of the latter description were the duties proposed to be stricken out; and there was even a duty proposed on filberts and figs! He presumed the duty on limes and lemons was introduced on the same principle with that on foreign spirits, and proposed to operate by the same means—by discouraging the manufacture of *punch*, and promoting that of whiskey. The duty on oranges, he supposed, was for the benefit of the agriculture of Florida. He wished Florida had a voice in this House. He would undertake to say, that, if she had, though an infant in the Union, she would not be tempted by this bait of an orange to gulp down the nauseous compound of ingredients offered by this bill. It would scarcely take out the bad taste. There was another duty intended for the benefit of Florida; the duty on figs. He would venture to say, she would not give a fig for the duty. Oranges and lemons were refreshing and useful in sickness. A tax on them was a tax on the sick. If we did lay taxes in reference to the sick, let it be for their benefit—let us tax some of those deadly weapons and direful drugs which, for the last thirty years, have been so fatal to the sick in this country. He would support the chairman of the Committee on Manufactures, in a tax on lancets, and he would vote for a tax on calomel, though it produced a general constipation, from the Passamaquoddy to the Pedee. He thought this bill was sour enough, in all conscience, without squeezing these lemons into it.

Mr. TOD, of Pennsylvania, said, that the duties proposed to be stricken out were not higher than the present *ad valorem* duties on the same articles. The object of the committee was not that which the gentleman from Virginia supposed, to encourage the home manufacture of these articles, but to make the collection of the revenue certain, easy, and free from evasions. It was wholly unessential for the objects of this bill whether the amendment now proposed was agreed to or not, but he thought the gentleman had not given any sufficient reason for the amendment. The importation of figs, Mr. T. said, was very great, indeed; the article was already charged with a specific duty, and, if it were not, it certainly ought to be. Articles of this description are imported almost wholly for the use of the rich and luxurious, and were certainly fair objects of taxation.

Mr. GARNETT said, his reason for making this motion was to take away from the supporters of the bill any claim which might be founded on this item, in favor of the duties on other articles. He was perfectly satisfied, from his observation, that the very delusive idea that agriculture has been benefited by protecting duties, has been a strong motive with many for pushing that system of protection to the extent now proposed in favor of manufactures; and, indeed, if he was not mistaken, the gentleman from Pennsylvania had stated it, the other day, as one of the objects of this bill, to equalize the protection afforded by law to the two interests. For his part, Mr. G. said, he would, if he could, repeal all the duties on agricultural products; and, in relation to such a proposition, he believed, the greater part of the agriculturists in this House would go along with him. For, he said, in regard to the great staples of the country, it was not in the power of this House, by any act of legislation, to increase the price of them, inasmuch as the price must be regulated by the portion of them which goes abroad, and not by any other circumstance. We have attracted a great deal of public notice, said Mr. G., by attempting to legislate on many curious subjects, such as the flying machine, &c., but the spectacle of a legislature gravely legislating to raise the price of corn, or any other great product of the soil, is calculated to excite, in the minds of intelligent men, more astonishment than any of the projects to which I refer. Such an undertaking is as wise as that of the philosopher who undertook to extract sunbeams from cucumbers, or as any other absurdity that can be conceived of.

Mr. HAMILTON, of South Carolina, was very glad to hear from the gentleman from Pennsylvania, that he had an affectionate regard for the revenue of the country, which, however, he might have manifested more effectually than by attaching it to such insignificant articles as pine apples, oranges, and filberts! But this item was consistent with the whole scope and object of the bill. If the bill ever becomes a law, said Mr. H., and goes into operation—if we ever submit to its operation—it will be of very little consequence whether oranges, figs, or filberts, be interdicted or not: for I believe there will, under the operation of this system, be very few individuals left who can afford to purchase them. As it is, fifty cents per hundred on oranges would operate as a duty of a hundred per cent. on the article, but even at this rate would be of no importance to the Treasury, &c. For what purpose are we legislating? said Mr. H. Is this item thrown out as a bait to catch a part of the Southern country? In a portion of the district which I represent, a great quantity of oranges are grown; but I repudiate the idea for my constituents, of such an inducement having any influence on their minds. I specially protest against the duty, if intended for our use. Mr. H. made some observations on the merits of these particular articles composing this item, and concluded by saying that he was glad that such items had been stuffed into the bill, to make it still more odious and more oppressive than it would be without them.

Mr. TOD remarked, that, as he supposed the gentleman would vote against the amendment because he was glad that the proposed duty was odious, no further argument was necessary from him (Mr. TOD) to convince that gentleman that the amendment was inexpedient.

The question was then taken on Mr. GARNETT'S motion, and decided in the negative.

Mr. CONNER, of North Carolina, then moved to strike out, in the ninth line, the word thirty, and insert twenty-five, which would make the clause read, "On all manufactures of wool, or of which wool shall be a component part, a duty of twenty-five per centum ad valorem."

Mr. Conner observed, on making this motion, that, from the committee having proposed thirty per centum on woollen goods, it was evidently their intention to prohibit coarse fabrics of woollen altogether. He could not approve of such a policy, which would operate oppressively on the Southern country generally. These goods were necessary to a large class of the people, and a very considerable revenue was derived from their importation, which, if the duty passed as now proposed, must be almost entirely lost to the Government.

The question being put on Mr. Conner's amendment, it was lost—ayes 71, noes 106.

Mr. Brent, of Louisiana, then moved to amend the bill, by striking out the clause which proposes to lay a duty of six cents per square yard on all cotton bagging imported.

Mr. Brent stated to the Committee his reasons for proposing this amendment. This duty, he said, would bear with particular hardship on the part of the country which he represented, and the more so, because it was allowed that it would have the effect of a prohibitory duty. He wished, when proposing such a duty as this, the honorable Chairman of the Committee of Manufactures would have shown that the article of cotton bagging was manufactured in the United States to a sufficient amount for the consumption of the country. This could not be shown; and, connected with that fact, this one feature showed the extent to which gentleman were disposed to push their system.

The gentleman from Pennsylvania was mistaken in his assumed fact, that, during the late war, the cotton planters were supplied with bagging from Kentucky—for that State was not at that time making one-sixth part of the quantity necessary for the supply of the country. When we had no commerce, whatever, and Kentucky was almost without competition in the manufacture of the article, the greatest quantity of bagging which she made in any one year, was six hundred and thirty thousand yards, whilst the consumption of the United States amounts to upwards of four millions of yards, annually, &c. At this very moment, Mr. B. said, there is not made in the State of Kentucky, sixty thousand yards annually of cotton bagging. This fact appeared by the census of the State of Kentucky, in the year 1822, and the report, in regard to that manufacture, was, that it was in a languishing condition—not, Mr. B. said, from the want of protection to the manufacture, but from the inferiority of the article manufactured. I, said he, represent a cotton country; and all the gentlemen representing the same description of country will unite in testifying that the bagging of Kentucky is of so inferior a quality that we prefer paying forty cents per yard for the foreign article, to making use of the bagging of Kentucky, at twenty-five cents per yard. And would the advocates of this bill force upon the cotton growers an article of this inferior quality?

The gentleman from Pennsylvania had referred to the report of Alexander Hamilton. Now, Mr. B. said, though he was not disposed to adopt the principles of Alexander Hamilton on any subject, he was willing to show, from his report, that Alexander Hamilton had laid down the principle, that a prohibition of the importation of any article should never be attempted by a Government without first ascertaining that the country can manufacture enough for its consumption, and, secondly, that the manufacture thereof is in a sufficient number of hands to insure competition. He called upon the gentleman from Pennsylvania to show that there were facts in the present case, and, if that could be established, he for one, would vote in favor of the proposed duty, if the article could be manufactured of a quality any thing like equal to the foreign article. Mr. B. said he had no attachment to foreign manufactures, or to foreign interests, as had been rather ungenerously suggested in debate yesterday. There was no member on this floor who was actuated by considerations of that kind. The opponents of this bill upon principle were as much attached to American productions as the gentleman who made the remark, and had shown it on all occasions in defence of the interests and rights of the country. Mr. B. said he did not like these allusions, and he hoped that, in the future discussion of this bill, they would be avoided.

Mr. B. said he would not now make any observations on the general principle of this bill. He had many reasons, which perhaps in time he might present to the House, to show the evil consequences of this bill, and that it ought not to pass in any shape whatever.

Mr. Tod said it must be admitted that cotton bagging was an article indispensable to cotton planters, and that, if a supply of it cannot be furnished by the manufacture of our own country, the duty either ought not to be agreed to, or the time, in which it is to operate, ought to be extended. But, Mr. T. said, it would not do to say to this House that the States of Kentucky and Ohio could not make all the cotton bagging wanted for all the cotton-growing States in the Union; for, he said, it was easier to make bagging for a million pounds of cotton, than it was to raise ten thousand pounds of cotton. Mr. T. said he knew very well that this additional duty would oblige the constituents of the gentleman to pay more for their bagging than they now pay. If for this they had no equivalent, the duty would be unjust, and a hardship upon them. The question, however, was, have they not already an equivalent? Mr. T. contended that they have. The consumption of cotton, by the people of the United States, is to the amount of one-third of the whole quantity raised in the country. The greater part of this consumption of cotton is by the people who do not raise any of the article. It was notorious that there was more cotton consumed in the State of Pennsylvania than in all the States that raise cotton in the Union; and they pay a protecting duty to those who raise the cotton, of three cents per pound, which, it would be agreed, was in fact a bounty of so much upon the production of the article; because we know, said he, that it can be afforded to be raised in South America, and in some parts of the West Indies, at three cents per pound cheaper than in the United States because the slaves in that country were treated with greater severity than in this, harder worked, and more scantily clothed and poorly fed. At any rate, those countries can undersell our cotton growers. For their protection, however, said Mr. T., we have laid a duty of three cents per pound on the importation of foreign cotton, which, I trust, will ever continue to be laid; and thus the people of the State of Pennsylvania and of other States, for every pound of cotton they consume, pay a bounty of three cents to the people of the South. And, doing this, they now asked of the people of the South to repay about a hundredth part of this bounty in the shape of a duty on cotton bagging. This the gentleman from Louisiana considered a hardship—Mr. T. could not consider it so; it was a mere reciprocity. It was an exertion of the power conferred on Government for the purpose of compelling different sections of the country to do justice, in some degree, to one another, by reciprocating advantages in their intercourse, &c. If any part of the country required protection of this sort, it was the State of Kentucky. All the produce which that State can send to market was not of one-fifth the value of the exports of domestic produce from Georgia, or from South Carolina. Yet Kentucky is superior in numbers, and in physical and moral strength. Why should we, by the effect of legislation, give to one part of the country so decided an advantage over the other? In consequence of the disadvantages under which the West labored in respect to its products, there had been great distress and depression in the State of Kentucky. Specie was almost unknown in the State. So much was this the case, that, no long time ago, application was proposed to be made to the General Government to dispense with specie in the payment of the postage on their letters. They have not the same advantages as the citizens of Georgia and South Carolina, and Louisiana, and Alabama, and Mississippi; that is, they have no fellow-citizens whom they can compel to become customers to them, as they are to the cotton growers. From these and other considerations, Mr. T. was clearly for giving this encouragement to the manufactures of the West.

Mr. Crowninshield, of Massachusetts, said he thought the gentleman from Pennsylvania was totally mistaken in regard to the matter of fact, when he stated that a duty of three cents per pound is imposed as a protecting duty on cotton, because cotton could be raised in South America, the West Indies, &c., cheaper than here. The cotton of Bombay and Bengal might perhaps be as cheap as ours, but it was well known to be inferior in quality to ours. Mr. C. asserted that, with the exception of those countries, there is no country from which cotton can be imported so cheap as it is raised here, by three cents per pound. The gentleman's reasonings, founded on a contrary supposition, therefore, must go for nothing; and he was at liberty to make what use he pleased of the information now given.

Mr. Tod, referring to documents before him, said that, in one of the countries from which the greatest importation of cotton by the merchants had been made, the article was purchased at less than ten cents per pound. It did not at the time sell, in any part of this country, within three cents of ten cents per pound.

Mr. Hamilton said, the argument of the gentleman from Pennsylvania was perfectly consistent with the whole scope of this bill; that if, by the laws of God and nature any part of our country should not enjoy equal advantages of soil, climate, &c., with another, Congress was to exert a despotic power with a view to equalize the advantages. Mr. H. said, he left it to the Committee to say, whether this was not the substance of the gentleman's argument.

The gentleman had informed the House there was no specie in the State of Kentucky; and, said Mr. H., is it possible that South Carolina is to be taxed till specie flows redundantly into Kentucky, and Kentucky is made able to supply us with our cotton bagging?

Mr. H. adverted to the practical operation of the item now proposed to be stricken out. We are to be taxed by it, said he—how much? Why, for the benefit of Kentucky, we are to be taxed, in round numbers, sixty thousand dollars a year in the small State which I represent. And we are now told that, as an equivalent for all this, we have received a bounty in the shape of a duty of three cents per pound on our cotton. This duty, Mr. H. said, never was laid for encouragement. It was laid for the purpose of revenue; and, to show how far that great man, Alexander Hamilton, was mistaken, he, in his report, doubted very much whether this country would ever have the capacity to raise a sufficiency of the article for the purposes of our own manufactures. How completely had this prediction been falsified! We raise it, not only in the greatest quantity, but of the most superior quality; the finest cotton in the world is raised, to threefold the amount of the consumption of our country. With regard to foreign cottons, which it was supposed by the gentleman from Pennsylvania, might compete with ours, we know perfectly well that, even in the Liverpool market, the Government of Great Britain having every inducement to encourage the East India trade, those cottons cannot enter into competition with ours. An attempt was made, some years ago, to introduce East India cotton into this country; merchants of great skill and experience were said to have lost half a million of dollars in the attempt. The rivalry of foreign cotton in this market with ours, was a mere bugbear, not entitled to a moment's consideration.

Look at the operation of this proposed duty, said Mr. H. We are to pay a tribute of sixty thousand dollars a year to Kentucky, to enable her to manufacture bagging. If we go on in this way with every article of our present import, what inducements do we leave to Great Britain to take our cotton? There are immense markets open to her, where she can obtain cotton in exchange for her manufactures if we reject them. Brazil alone is capable of producing as much cotton as the whole United States proper; and, he argued, if we take away the inducement which Great Britain has to receive our cotton, we shall in the end lose her custom, &c.

Mr. H. said, he would abstain from entering at present upon a discussion of the general principles of the bill. When the bill should be presented for discussion, on its general principle, he should make it his particular province to point out the many objections to it, and the character of the crusade about to be waged against the interests of that part of the country which he had the honor to represent.

Mr. **Trimble**, of Kentucky, referring to an expression used by Mr. **Hamilton**, in the close of his remarks, said he was gratified that the House was to have *a revelation* on this subject. He had no doubt it would have a happy effect on the minds of those gentlemen who were opposed to the bill; for it appeared that nothing but revelation would have any effect upon them.

If all this idea of the competition of foreign cottons was a bugbear, Mr. T. said he should like to know why that gentleman and others had been so anxious to tax East India cotton goods, if it was not for the purpose of excluding East India cotton itself. For the confirmation of the fact, Mr. T. said he appealed to the arguments which were used when the tariff was made up, and the gentlemen from the South asked for this protection for their cotton. [Mr. T. here said, he was very willing to yield the floor to the gentleman from New York, (Mr. **Cambreleng**,) who seemed to feel the effect of the revelation which had been spoken of.] As to the Western country, Mr. T. continued, it enjoyed the advantage of no protecting duty on any article. But, when the gentlemen from the South send us their protected cotton, said Mr. T., it comes to us wrapt up in Inverness and Dundee bagging, made of the refuse tow, after the best of the hemp is hackled out. Now, sir, the Western hemp has been ascertained, by fair experiment, to be ten per cent. stronger than the Russian hemp; and from that fact, I presume we can make bagging, or any thing else, of Kentucky hemp, as strong as can be made from Russian hemp. Notwithstanding which, when we purchase cotton from the South, we are compelled to purchase this Inverness and Dundee bagging. Is there any equality in that? Notwithstanding which, said Mr. T., we do not ask an exclusion of this article, as they have done in relation to coarse cotton goods, but only a reasonable tax upon it. Nothing could be more fair, more equal, nor, he thought gentlemen would after due consideration allow, more just, than such a tax.

Have we not land enough, said Mr. T., to raise hemp sufficient to make all our cotton bagging? The land between the Ohio and Kentucky rivers is sufficient to make twice the quantity necessary for our consumption. We not only furnished the planters in Louisiana during the late war with cotton bagging—at a very high price, I admit—but they could not get it from any other country. We furnished them bagging to bale their cotton at New Orleans—and we did another thing: when it was baled, we stood behind it and defended it. I wish to know from the gentleman from Louisiana, why we are to protect their sugar by high duties, and then to go there and protect them and their cotton too.

Mr. T. accounted for the decline of the manufacture of bagging in Kentucky, caused by the low price of the foreign article, by the circumstance that, during the war, Russia exported vast quantities of hemp, and England, with an extensive navy then in actual service, had use for it. When the peace came, a great quantity of the article remained on hand, and was sold by the merchants at a low price to the manufacturers, who made it up into bagging, &c., and furnished it much cheaper than formerly. But that is now all worked up; and last year a tolerably high price was given for bagging.

So abundant was hemp in the Western country, that if we impose only such duty as will give the farmer a fair minimum price, the farmers there will keep down the maximum to the minimum nearly; and Mr. T. pledged himself that the manufacturers of the West would supply the whole country with bagging at not exceeding twenty-two and a half cents per yard, if Congress would grant them protection, and that they would keep it down to that price. But, by laying a proper duty, the market must first be made steady in its character, so that the foreigner cannot destroy the hemp grower and the manufacturer both, by excessive importations, &c. Bagging would be sold cheaper, so soon as hemp was allowed the same protection as was given to the Southern cotton, &c., as the prices of coarse cottons had been lowered since higher duties had been laid on the foreign article, &c.

Mr. **Cambreleng**, of New York, said, he had not intended to touch the details of the bill; not, at least, until the general question was settled, and upon that he should offer his objections to the principles of the bill: the object of which was prohibition. He, however, felt called upon by the gentleman from Kentucky; and, although not inspired, as had been intimated, he would answer the argument of reciprocal justice, which had been urged, to sustain the duty proposed on cotton bagging.

We had been told, that the agricultural interest of the South had been protected by duties, and that we must now legislate on the basis of reciprocity. This argument, according to the unhappy fashion of the times, is designed to excite our sectional prejudices and jealousies. Mr. C. did not, for a moment, impute such a purpose to the gentleman from Kentucky, (Mr. **Trimble**,) nor to the Chairman of the Committee on Manufactures; but he feared it had been used by others, for such an object. The argument is, however, utterly destitute of foundation; and, although its purpose is grave enough for reason—its texture is too light for any weapon but ridicule. Where was the intelligence of the Chairman of the Committee on Manufactures, when he told us that a duty was imposed for the protection of the cotton of the South? Did he not recollect that there was not a pod of cotton in the country at that period; and that the enlightened Secretary of that day never dreamt there would be? Where was his intelligence, when he informed us that the tobacco of Virginia had been protected? In our simplicity, we had always supposed that this article was a staple of the country, from the earliest settlement of the colonies; but we are happy to see that celebrated slander upon our great-grandmothers, blotted out from the page of history; we are happy to find that they were not bartered for this vile weed; we are happy to hear from such learned authority, from the gentleman who superintends our national industry, that our tobacco plant has only flourished since 1790, under the salutary protection of Congress! But our admiration reaches its altitude, when we come to the duty on sugar. This duty had, before 1800, reached two and a half cents; it is now but three. We always thought Louisiana had belonged to Spain—then to France. It appears singular how this duty could have been proposed for the protection of French and Spanish planters. But what's this difficulty to our modern logicians? Those who can transfer Hindostan to Carolina, in 1790, can, with equal facility, give history a retrograde movement, and tell us, what nobody will have the temerity to deny, that our ancestors generally laid this duty to protect and encourage the planters of Louisiana, though then not within the circle of our Confederacy.

Such is the foundation upon which this argument of reciprocity rests. An argument addressed to our local prejudices. He regretted to perceive that the debate, on every item of the bill, seemed to be generally confined too much to mere local ground. It was natural, it was proper, that we should advocate the interest of our State, and of the particular district we represent; but he trusted the time would come, when we should bring into every discussion a more national feeling—when our *national* interests would be consulted.

Mr. BRENT rose in reply to the gentlemen from Kentucky and Pennsylvania. He certainly did not suppose that any gentleman from Kentucky, knowing, as he must necessarily do, that cotton bagging cannot be supplied from that State to meet the demand from Louisiana and the other cotton-growing States, would oppose the present amendment. The honorable gentleman from Kentucky, said Mr. B., gave me a piece of information, with which, he said, I probably was already acquainted—that Kentucky had not only supplied bagging for the cotton of Louisiana, but, during the late war, had stood behind it to defend Louisiana from invasion. I acknowledge, said Mr. B., the truth of what the gentleman has stated. I trust I feel, with the people whom I represent, a due sense of gratitude, for the services rendered on that occasion; and, if the honorable gentleman intended to claim a pecuniary compensation for them, on behalf of the citizens of Kentucky, and will make out a statement of the account, Louisiana stands ready promptly to pay it. But it was not true that Kentucky did furnish, during the war an adequate supply of cotton bagging even for Louisiana alone. The State of Louisiana consumes nearly one million of square yards annually, but she received, during the war, only about six hundred thousand yards of it from Kentucky. He would appeal to the candor of the honorable gentleman, to say, whether, on all occasions, when the Western country was in need of aid, Louisiana had ever been wanting in efforts to advance its interests. On a late occasion, with which gentlemen were familiar, Louisiana had united in measures which she believed to be for the interest of the Western States, although very doubtful whether her own interest might not be rather impaired than promoted by them. All I ask of gentlemen, said Mr. B., is, that they will do what is just. I am not opposed to laying a duty on this article so soon as Kentucky will let us see that she can make it in quantity sufficient for the demand; but the nation is not to be forced, blinded, into a measure, which was calculated to amount to a prohibition of the imported article. As to what the gentlemen have said about a protecting duty on cotton, they may repeal it as soon as they like. What! when we grow more than twice as much cotton as is wanted for home consumption, and export it largely every year, do gentlemen talk to us about a protecting duty on cotton, to be countervailed by the prohibition of imported bagging? It shows the same unfairness, the same want of candor, that they have throughout exhibited on this question. [Mr. B. was called to order by the Chairman, for this expression.] It was within the knowledge of gentlemen, that this duty never was intended for protection—it was laid when no cotton was raised in the United States, and it was laid for revenue solely. The same thing might be said of the duty on sugar. The cotton of Louisiana is now protected by a duty of three cents per pound—two cents and a half of this was imposed while Louisiana was under the French and Spanish Governments; and the paltry half cent which has since been added, was added, not for protection, but revenue. But, sir, said he, it is in vain to urge us on such arguments; Louisiana will not vote on any arrangement or compromise—she goes on principle; and unless gentlemen are determined to outrage all justice, the amendment ought to be adopted. The honorable Chairman of the Committee on Manufactures, tells us, that Kentucky can supply the whole demand for cotton bagging. That may, in the course of time, prove to be true; but, until they do supply the demand, the duty should not be imposed.

Mr. HENRY, of Kentucky, rose, in reply to Mr. BRENT. He said he had not intended to take a part in this discussion; but he felt himself called upon to step forward, by the frequent repetition of a name which must always be dear to his heart. The State of Kentucky, as the land of his nativity, had the strongest claim upon his affection. However disparagingly she might be estimated by others, "he knew that he loved her, whatever she was." He must be permitted to say, that the gentleman from Louisiana had indulged himself in a course of remarks which seemed to be characterized by an invidious spirit—an improper imputation on motives.

[Here Mr. Brent rose to explain. The gentleman was mistaken, if he understood him as imputing impure or improper motives to the advocates of the bill. He had no such intention. He meant no personal reflection on any gentleman on this floor, and he wished to be so understood.]

Mr. Henry resumed. He believed the gentleman, from his soul. His zeal for what he supposes to be the interest of his constituents, as proposed to be affected, as he conceives, by the bill, had probably hurried him into expressions of an unguarded kind, susceptible of a construction he did not wish them to bear. I, on the other hand, said Mr. H., am free to confess, that I am in favor of this provision of the bill, because I believe its operation will be highly beneficial to that section of the country which I have the honor to represent. I am not ashamed to acknowledge, that this consideration exerts a powerful effect on me. Might I not impute to the gentleman a motive equally selfish, as the ground of his opposition? And if I did, and should substantiate the charge, what would I gain? Nothing. The motives which actuate gentlemen are perfectly immaterial to the question; each member must stand or fall by the discharge of his duty; to his own conscience, and to his constituents. The foundation of all social love, is self love. Why does a man love his country? Because it is his own country. The attachment is selfish in its origin, but it becomes elevated and refined as it extends. This much abused principle of human action has been finely portrayed by a poet and philosopher of the last century:

"Self-love just serves the virtuous mind to shake,
As the small pebble stirs the peaceful lake;
The centre mov'd, a circle straight succeeds,
Another still, and still another spreads;
Wide, and more wide, th' o'erflowing of the mind,
Takes ev'ry creature in, of every kind.
Friend, parent, neighbor, *first* it will embrace;
Our country next, and *last*, all human race."

It is so with all the attachments of life. When we come to analyze and trace them, we find their ultimate source to be self love.

The argument of the gentleman from Louisiana, Mr. H. said, so far from convincing him that the duty ought to be stricken out, had much strengthened his conviction that it ought to remain in the bill. What are the positions which he takes? He says that Kentucky, Ohio, and Tennessee, are, together, insufficient to supply the demand for cotton bagging which exists in Louisiana, Georgia, and the other cotton-growing States. But why, sir? Have we not the soil, the industry, the economy, or the foresight of our interest, which would fit us to produce the article? Yes, sir. Our soil is as fertile as any under Heaven! Forty years perpetual use has not, in the least, exhausted its fertility. And as to industry, I may with truth say, for the people of that region, that there are none more willing to earn their bread, as under the common curse of our race they must earn it, by the sweat of their brow, than the farmers of the West. Nor are they remarkable for any want of calculation, or of quickness of perception, to discover what will advance their interest. What, then, is wanting, sir? Precisely what the bill proposes to give us—protection, encouragement. Again, the gentleman has stated that our factories are languishing. Admit the fact, sir, and again I ask why? The same answer must be given: for want of protection—for want of encouragement.

The gentleman tells you that the article we have hitherto made has been inferior in quality. Still, I ask him why, and still the same answer recurs—for want of protection, for want of encouragement. Give us protection, sir, and at once you give us encouragement. As soon as encouragement is secured to us, an instantaneous investment of capital will follow; as soon as capital is invested, competition will take place; and competition will produce an immediate improvement of the fabric, &c. By way of proving that all Ohio, and Kentucky, and Tennessee cannot produce enough cotton bagging for the use of the South, the honorable gentleman informed us that the State of Louisiana used nearly one million of yards of the article. I can, in return, inform that honorable gentleman (and I say it from the personal knowledge of a distinguished member of this House) that, in the town of Lexington alone, more than one million of yards of cloth are made in only ten factories—the raw material of the whole of which is drawn from a single county. Sir, I will venture to pledge myself, and to predict, that, under adequate encouragement, the State of Kentucky alone will be perfectly competent to supply the whole Southern market with this article. Sir, take away this duty, and what equivalent is left to the West, for all the burdens which are to be imposed on her by the other provisions of this bill? While all other parts of the Union are looked to and cared for, shall we alone stand without a shelter? Must we be sunk lower, and still lower, in the scale of this nation? Impoverished, as the West has been, by a pernicious system of policy, must she suffer still more? What, sir, has she done to forfeit your protection? Has she been wanting in loyalty? Has she been wanting in zeal for your cause? Has she failed you in the hour of danger? No, sir; she is linked to this Government by ties of the strongest attachment; in this feeling we shall live, in this feeling we shall die; but I trust in God that we shall not, on this account, be denied our share of the national protection.

The honorable member from Louisiana has alluded, in his remarks, more particularly to the factories of Kentucky. Sir, Louisiana and Kentucky are bound to each other by ties as strong as those which hold in connexion the sun and the earth—they are naturally inseparable. The citizens of Louisiana are planters; we are farmers and graziers. They give their whole time and attention to the raising of cotton; we are precluded from doing this; we have neither the soil nor the climate adapted to the production of that valuable plant; we raise their pork, beef, and flour; and nothing can affect the plenty or scarcity of these articles in Kentucky, that does not affect

Louisiana in almost the same degree. No sooner are our crops injured, than the planters of Louisiana feel it. Who raises their hogs, their horses? The people of the West. On the other hand, we go to them for all our market—and such is the competition, from the extended region in which our products are raised, that the price of our commodities sinks in that market till our shipping merchants are almost all ruined, and even the farmers themselves obtain barely the amount of their actual expenses. This trade, sir, is highly beneficial to Louisiana, but it is a losing trade to Kentucky and the West. Sir, we are fast becoming, we have already become, tributary to Louisiana. We are hewers of wood and drawers of water for the wealthy planters of the South. Sir, we do not complain of this. We cannot help it. It is the inevitable course of things. But will they refuse us, in turn, some small equivalent? While they are amassing fortunes, will they not allow some small field for our infant manufactures? Sir, even the slave, himself, who toils without hope and without remuneration, must have some little encouragement to alleviate his bondage. The market is all against us; we toil and reap no reward, and unless some alteration takes place we cannot toil much longer. I trust, sir, our high-minded friends in the South will not feel disposed to deny us the avails of such a duty as that now proposed.

There is one other consideration on which I would touch, but with the greatest delicacy. It is the policy of the bill. What is the end proposed by the whole measure? To protect the industry of American citizens. The foundation of the policy is a determination no longer to feed the workmen of other countries, but to employ our own people. Sir, the true wealth of any country is the profits of its labor. Even the capital employed in commerce does not so truly and permanently enrich the country as the capital employed in agriculture. He who feeds two men and two women, where before but one man and one woman could be fed, deserves well of his country. Pursue, then, a policy which will feed your people—which will strengthen your mass of population. They will repay you with support and attachment. They will shed their blood in your defence.

Strike out the duty, and who will be benefited? The Autocrat of Russia. He is the greatest hemp grower. Does the gentleman from Louisiana wish to feed the Russian boors, rather than the hemp growers of the American soil? And, if he does, is it sound policy? Ought we, instead of increasing our own strength and resources, to strengthen an arm already too strong? Why should we suffer a foreign Power to draw from us that wealth which may hereafter be turned into bayonets and aimed at the vitals of our country? Do gentlemen wish to see a Russian fleet hovering on our coast? and will they drain our own country to help to build it? The people of the West, of all others, have the least reason to dread the approach of an enemy. The war must rage on our seaboard, before it can reach them. But what has been their conduct? Did they wait at home till the foe reached the Kentucky line? Did they say, let the enemy come here, and we will resist him? No, sir. They left their homes and their boundary lines behind them; they went forth to meet the foe. They will do it again; but they do not seek to invite his approach by prostrating our domestic strength, and giving our resources to strangers.

Mr. TOD said, that he was sorry to find that the debate threatened to become serious from the time it was likely to occupy. He certainly should not increase the evil. He rose merely to assure the gentleman from New York, (Mr. CAMBRELENG,) that, in one point of his argument, he had entirely succeeded with him, and that was, in proving that our grandmothers had not grown up in a tobacco yard. In another point, he could not say the honorable gentleman had been quite so fortunate—he meant, in proving that Alexander Hamilton was no statesman, because he could not tell us, thirty years ago, how much cotton would be raised in the United States in 1823. Sir, I never thought that Alexander Hamilton was a conjuror; but, to argue from this, that he was no statesman, is not, to me, very conclusive. The gentleman had not succeeded near so well in this point, Mr. T. said, as he did about our grandmothers. There was another point. The gentleman had said that the duty on cotton was laid for revenue, and it was laid in 1789; but, he could inform the gentleman that when the duty on cotton was raised to three cents per pound, it was done on the representation that cotton was expected to be raised here, and it had reference to that expectation. As to the duty on sugar, if the Committee were not already competent to see that the three cents a pound duty on sugar was a clear bounty upon the culture of that article nothing that he could say would make them see it.

Mr. OWEN, of Alabama, said, that when this bill was introduced into the House by the honorable Chairman of the Committee of Manufactures, he had hoped to see it discussed on general grounds, without a reference to the local interest of each particular State. But, instead of this, he was sorry to perceive that every member who entered into the discussion, referred to its operation on his own individual district alone. State was set in opposition to State. Kentucky and Louisiana were arrayed against each other, and it was maintained that Louisiana, by consenting to the duty on bagging, was to repay Kentucky for her defence during the war. If this doctrine should prevail, other parts of the country would be affected by the duty, which had had no share in the service. He represented a small district of the cotton-growing country, and that district would have to help Louisiana in paying her tribute to Kentucky. He would ask whether Georgia, too, and South Carolina, and the whole cotton country of the Union, were to be called on to aid in repaying Kentucky? And how was this repayment to be made? By encouraging manufacturing establishments which are now in existence and operation? Not at all. Gentlemen from the West say, pay us in advance, and then we will furnish you the article. They do not say that they have it now. But the duty is at once to be laid—then time must elapse before their factories go into operation; and after all, it is a mere experiment. But, we are told, some interests must be sacrificed, and that there is a great and predominating interest, which must and will prevail, and the rest must be more or less sacrificed to aid it. But, sir, is such the situation of the people of these United States? Must we sacrifice the interests of one State, in order to aid another? I believe not—I trust not.

But, as I am opposed to the whole bill, I shall not detain the Committee by going into an argument on its details. I grant, indeed, sir, that it is a sound principle of Republican government, that the majority shall prevail, but is it good policy, when the minority is large and respectable, to refuse to listen to their objections? Will you force on them that which the majority says is for their benefit, but which they themselves say is to their injury? He was confident that, if the votes of all who are interested in the tax now proposed could be individually taken, a large majority would be found to be opposed to the measure.

Mr. Marvin, of New York, then rose and said that, if there was a single feature in the whole bill which ought to be retained, he thought it was this. If there was any article which the United States can raise in abundance, it is hemp; if there was any article which we can manufacture, it was cotton bagging. It is said that the effect of the duty will be, to raise the price of the articles. Such might be the effect; but if it were, it would be only temporary. It is stated, said Mr. M., that the manufactures are languishing; but this is not because they could not, in a settled course of business, afford to make the article as cheap as it comes from Europe, but because the market is precarious, and they are liable to be overwhelmed with temporary importations. But, granting that, for some time, the price will be a little higher, are we called upon to make no sacrifices to support our own manufactures? We do not, however, ask this. We do not call on the South to make any sacrifice whatever. Grant, for the sake of argument, that the State of South Carolina alone pays for the article of bagging $60,000 a year. Who pays this? The consumer pays it. Though that one State pays it in the first instance, it is paid back again by all other States, in the various proportions in which they are consumers of cotton. The honorable Chairman of the Committee on Manufactures has shown that one-third of all the cotton raised in the United States, is consumed within the United States. But where? Certainly not in the cotton-growing States. Then it must be by the other States, and, as far as they are consumers, they pay the duty.

Sir, what is that we propose? To make this country independent of foreign manufactures. For this end, we ask it for a season to pay a higher price for a particular article, until that article obtains a certain and a settled market; and we ask this higher price to be paid, not by one particular district, but by the whole country which consumes the article. Sir, the bagging follows the cotton, go where it will, and is paid for with it. I do not forget that two-thirds of what is raised goes abroad; but surely the country cannot greatly suffer by the consumption of this portion of its manufactures abroad. All we ask is, to guard, for a time, the infant manufacture against such fluctuations in the market as will destroy it, and then you will get the article cheaper than ever. Was it not so with coarse cottons? But, if not, we are prepared, I hope, one and all, from the East to the West, in the North and in the South, to submit to the increase of price, so far as we are the consumers.

A motion was now made that the Committee rise, which was carried—yeas 100, nays 96.

So the Committee rose, reported progress, and had leave to sit again.

Monday, February 16.

Mr. Livingston presented a petition of sundry aliens residing in the State of Louisiana, praying that the laws upon the subject of naturalization may be amended, to the end that greater facilities may be afforded to foreigners intending to become citizens of the United States; which petition was referred to a select committee, and Mr. Livingston, Mr. Morgan, Mr. Bartlett, Mr. Dwight, Mr. Gurley, Mr. Durfee, and Mr. Breck, were appointed the said committee.

On motion of Mr. Livingston, the Committee of Claims were instructed to inquire and report whether any, and what sum, is due from the United States to Marigny Dauterive, of the city of New Orleans, for supplies furnished to the Army of the United States, and for the services of his negro.

Mr. Tomlinson laid the following resolution on the table, for consideration to-morrow:

Resolved, That the President of the United States be requested to inform this House whether any measures have been taken to carry into effect the resolution of Congress, passed June 17th, 1777, directing a monument to be erected to the memory of David Wooster, a Brigadier General in the Army of the United States, who fell in "defending the liberties of America and bravely repelling an inroad of the British forces to Danbury, in Connecticut;" and whether the sum of five hundred dollars, appropriated for the purpose of carrying that resolution into execution, has ever been paid to "the Executive power of the State of Connecticut."

Mr. Storrs laid the following resolution on the table for consideration to-morrow:

Resolved, That the Secretary of the Department of the Treasury be directed to transmit to this House the statements of the affairs of the Bank of the United States, on the 30th day of December of the years 1822 and 1823.

Mr. Wright laid the following resolution on the table for consideration to-morrow:

Resolved, That the President of the United States be requested to inform this House, (if such information may be given without injury to the public,) whether the title of the United Brethren for propagating the Gospel among the Heathen, to certain sections of land in Ohio, authorized to be purchased by the act making further appropriations for the support of Government for the year 1823, and for other purposes, passed the 3d March, 1823, has been purchased for the United States; and if so, to cause to be laid before this House, a copy of the contract of purchase, and of such other papers in his possession, (proper to be communicated,) relating to the survey and disposition of said lands.

Mr. Whittlesey laid the following resolution on the table for consideration to-morrow:

Resolved, That the President of the United States be requested to present to this House a statement of the amount of money expended in conformity with the provisions of an act, entitled "An act for the gradual increase of the Navy of the United States," approved the 29th of April, 1816, and of the act to amend said act, approved the 3d of March, 1821: also, the number of vessels built or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made, and whether sufficient timber has been purchased or contracted to build the vessels contemplated by the provisions of said act.

On motion of Mr. Livingston, the Committee on the Judiciary were instructed to inquire into the expediency of rendering the designation of jurors to serve in the courts of the United States, in each State, conformable at all times to the mode of designating jurors which may be adopted in the State courts of such State.

On motion of Mr. Hemphill, the Committee of Ways and Means were directed to inquire into the expediency of allowing the benefit of drawback on all goods, wares, and merchandise, imported into either of the ports of New York, Philadelphia, or Baltimore, and transported from any one of the said ports to either of the others, partly by land conveyance and partly by water, in the like manner as if the same were transported coastwise.

On motion of Mr. Houston, the Committee of Claims were instructed to inquire into the expediency of allowing Dempsy Powell pay for two guns, impressed during the late war between the United States and Great Britain.

On motion of Mr. Taylor, the Committee on Commerce were instructed to inquire into the expediency of amending the act of Congress, entitled "An act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes, so far as the same relates to the compensation of the collectors of the several districts on the northern frontier of the United States.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief Walter S. Chandler and Samuel Ward;" in which bill they ask the concurrence of this House.

The said bill was read twice, and referred to the Committee on Pensions and Revolutionary Claims.

CLAIM OF BEAUMARCHAIS.

Mr. Tucker, of Virginia, from the committee to whom the subject was referred, made a detailed report upon the claim of the heirs and representatives of the late Caron de Beaumarchais, of France; which report was ordered to lie on the table. The report is as follows:

The claim of Mr. Beaumarchais' representatatives against this Government is the only unsettled item of a large account for military supplies furnished by him to this country during the first years of the war of Independence. It amounts to one million of livres, exclusive of interest, and arises from a charge made by the accounting officers of the Treasury, against Mr. Beaumarchais, of that sum, received by him from the French Government, on the 10th of June, 1776, for the use of the United States, but for which the claimants, not denying that he so received it, insist that he has already accounted to his own Government, to whom alone he was accountable. Against this charge, which they allege to be equally unwarranted by the justice of the case and the established rules of evidence, they have been seeking relief from Congress, from the year 1805, (when the final settlement took place,) to the present day.

In the absence of more positive and satisfactory evidence on the matter in controversy, it has been found necessary, by all those who have successively investigated the subject, to refer to numerous official letters and documents, many of which have little direct bearing on the question, but, taken in connexion with others, shed some light on a subject that is however yet involved in obscurity, and will, probably, ever so remain.

A brief abstract of the history and progress of this claim, as furnished by these documents, annexed to this report in the order of their dates, may conduce to a better understanding of the subject, and show the grounds and principles on which the committee has come to its conclusion..

Early in the year 1776, Mr. Beaumarchais called on Mr. Arthur Lee, then a secret agent of the United States in London, and requested him to communicate to Congress that the Court of France was disposed to assist the Americans, with money and arms, to the amount of 200,000 louis d'or, which should be sent through any of the islands in the West Indies that should be agreed upon. At the next interview, he requested that a small quantity of tobacco, or other commodity, should be remitted, to give the intended aid the air of a mercantile transaction. Cape Francois was settled between them as the channel of conveyance, and it was agreed that Mr. Beaumarchais should carry on his correspondence with American agents, under the fictitious signature of Roderique Hortales & Co.

Soon after this, Mr. Silas Deane arrived in Paris, as a Commissioner from the secret committee of Congress, for the purchase of clothing and military stores, and in July, 1776, he and Mr. Beaumarchais, under the name of Hortales & Co., arranged the terms under which the supplies were to be furnished. Mr. Beaumarchais, it may be observed, was not a merchant, but, being distinguished for his wit and literary talents, was in great favor at the Court of Louis XVI.

In the latter end of 1776, Dr. Franklin, Mr. Deane, and Mr. Arthur Lee, were appointed joint Commissioners from the United States to the Court of France, and in the course of this and the following year eight cargoes were shipped by Mr. Beaumarchais to the United States, either directly or through the West Indies, which, exclusive of freight, insurance, and other charges, amounted to upwards of three millions of livres. During the same and the three following years remittances were made to Mr. Beaumarchais, in tobacco and other home productions, but to a small amount in proportion to the value of his supplies.

In 1777 two millions, in four instalments of half a million each, were advanced by the Royal Treasury, on the receipt of the American Commissioners, to Mr. Grand, their banker in Paris; and in June of the same year a million was received, in the same mode, of the Farmers General.

During this time there seemed to have been some uncertainty about the character of these supplies, on the part of the American Commissioners, who supposed them partly furnished by the King of France, either as a loan or gratuity, and partly by Mr. Beaumarchais.

This opinion, which originated in the first communication to Mr. Lee from Mr. Beaumarchais, was strengthened by the repeated assurances made to them by the French Minister that no return was expected for these supplies, and because most of the military stores were taken from the King's arsenals. Nor were the remittances which were claimed by Mr. Beaumarchais, and occasionally made, at all inconsistent with the supposition; as it had been part of the original plan to give the assistance afforded by France to the United States the character of a commercial transaction, for the purpose of concealing it from the British Government. On this subject there was an evident diversity of opinion among the Commissioners.

Mr. Lee always seemed to think that the supplies were furnished by the Court of France. Mr. Deane considered that they were furnished by Mr. Beaumarchais, on his own account. And, in February, 1778, Dr. Franklin and Mr. Lee, in a letter to the secret committee of Congress, recommend Congress to leave Mr. Beaumarchais' demand to be settled by them in Paris, as there was in it a "mixture of public and private concern," which Congress could not so well develope.

In September, 1778, the American Commissioners, Dr. Franklin, Mr. Lee, and Mr. Adams, wrote to the French Minister, Count De Vergennes, to ask his advice relative to ratifying a contract with Hortales & Co. for further supplies, and to make inquiry of him concerning the supplies already furnished. They say, that both they and the people of America, have generally understood they were under obligations to His Majesty for the greater part of the supplies, and that they cannot "discover that any written contract was ever made between Congress, or any agent of theirs, and the house of Roderique Hortales & Co., nor do they know of any living witness, or any other evidence, whose testimony can ascertain as to who the persons are who constitute the house of Roderique Hortales & Co., or what were the terms upon which the merchandise and munitions of war were supplied, neither as to the price, nor the time or conditions of payment." They profess their readiness to settle the accounts, and their willingness to discharge the obligation, as soon as Providence shall put it in their power.

To this letter, Monsieur De Vergennes replied, that the King had furnished nothing; that he simply permitted Mr. Beaumarchais to provide himself from the Royal Arsenals, on condition of his replacing the articles, and that he would interpose to prevent the United States from being pressed for reimbursement of the articles of a military nature.

From this time, Mr. Beaumarchais was recognised as the creditor of the United States for the whole amount of these supplies, and payments were made to him, partly in tobacco, but principally in bills of exchange, drawn in his favor on our Minister in France, which, including the remittances previously made him, amounted in all, to upwards of three and a half millions of livres.

In April, 1781, Mr. Beaumarchais had a general settlement of his accounts with Mr. Silas Deane, in Paris; but this settlement not being ratified by Congress, and Mr. Deane's authority to make it being denied, Mr. Barclay, who was sent to France as Consul General, was invested with power to settle the accounts of Mr. Beaumarchais. He, for some time, refused to make a new settlement, insisting on the one previously made with Mr. Deane, but he finally consented, and one was made in 1785, subject, however, as it appears, to the ratification of Congress.

The length of time required to examine the numerous details of Mr. Beaumarchais' accounts, and the difficulty of agreeing on various charges for commission, freight, and insurance, concerning which, there was neither a previous contract nor an unvarying standard, may fairly account for the delays experienced by Mr. Beaumarchais, in the final adjustment of his accounts, both by Congress and its agents, till 1787, when, by the development of a new fact, a difficulty occurred which has outlived every other, and which has laid the foundation of the present claim.

In February, 1783, Dr. Franklin entered into a contract or treaty with the Count De Vergennes, relative to the loans and subsidies made by France to the United States, by which he acknowledged on the part of the United States three millions before the treaty of February, 1778, and six millions in 1781, as the gratuitous gift of the King.

In July, 1786, on a settlement with Mr. Grand, our banker at Paris, it was discovered that he had given the United States credit but for two millions received before 1778, instead of three, as was stated in the treaty of February, 1783. Dr. Franklin, conceiving his character might be implicated by this important variance, wrote to Mr. Grand for an explanation, and suggests that the million furnished ostensibly by the Farmers General, might have been a gift of the Crown. Mr. Grand in September following, answers, that he had applied to Mr. Durival, the principal of one of the departments of finance, for a solution of the difficulty, who had stated that there had been an advance from the Royal Treasury of one million, on the 10th of June, 1776, in addition to the two millions advanced in 1777, and which Mr. Grand had received. It further appears, that this answer of Mr. Durival not being satisfactory, Mr. Grand applied to him for a copy of the receipt of the million advanced in June, 1776, to which Mr. Durival replied, that he had laid Mr. Grand's letters before the Count de Vergennes, who constantly replied that the copy of the receipt he required, had no relation to the million received from the Farmers General, nor to the business with which he had been intrusted by Congress, and it would be useless to give it to him. On which, Mr. Grand observes, that he could not conceive the reason for this reserve.

In January, 1787, Dr. Franklin, on receiving these letters from Mr. Grand, communicated them to Mr. Charles Thomson, Secretary to Congress, and adds, that he conjectures the person who received the million in June, 1776, must be Mr. Beaumarchais, and that it was a cabinet secret, ("*mistere du cabinet,*") which, perhaps, should not be further inquired into, unless necessary to guard against more demands than may be just from that agent. For, it may well be supposed that if the Court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain." He inquires if Mr. Beaumarchais continued to press his demands, and adds, "It is true the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. Yet if it was put into the hands of any of your agents or ministers, they ought certainly to account for it."

In the course of the same year, Mr. Beaumarchais addressed Congress on the subject of his account; and, whether it was because its style gave offence, as he states in his own memorial of 1795, or the belief which now prevailed, that he had received the million that had lately come to light, no notice seems to have been taken of his application, until 1789, when his accounts were referred to the Board of Treasury, a committee of the old Congress, consisting of Mr. Arthur Lee, Mr. Livingston, and Mr. Osgood, who report, among other things, that the balance claimed by Mr. Beaumarchais, on his account, certified by Mr. Deane in 1781, then amounted to about $900,000, and that the debits against the United States had no other voucher to support them, but the certificate of Mr. Deane. They make various deductions, for charges of commission, insurance, and two of the cargoes said not to have reached the United States, and find a balance due the United States, of, livres, 742,413 9.5, "exclusive of the one million of livres, which (if received by Mr. Beaumarchais from the Court of France) must be added thereto;" and they submit two resolutions—1st. That the settlement with Mr. Deane, in April, 1781, was not binding on the United States; and, 2d. That Mr. Beaumarchais settle his accounts at the Treasury of the United States, and be required to transmit the necessary vouchers in support of the same.

After the new Constitution went into operation, Mr. J. A. Chevallié, as the agent of Mr. Beaumarchais, applied to the Treasury Department for a settlement of the accounts of his principal; and, in May, 1793, the Auditor certified that the same had been examined and adjusted by him. He adverts to the decision of the Board of Treasury, in 1788, and makes a different, and, as the committee think, a correct decision on the contested questions, of insurance, commission, charges of merchandise, and the two cargoes erroneously supposed not to have reached the United States; and he finds the balance due to Mr. Beaumarchais to be, livres, 2,280,231 17.8. But he subjoins a note, that the million which had been advanced by the French Government, on the 10th June, 1776, to somebody, had been, probably, received by Mr. Beaumarchais, and he therefore recommends that the payment of the balance found due from the United States should be suspended until "some further measures could be taken," to clear up the mystery. This report seemed to have received the sanction of the Comptroller and Secretary of the Treasury.

In June, 1794, Mr. Gouverneur Morris, then our Minister to the French Republic, addressed a note to Mr. Buchot, the Commissary of Exterior Relations, for information relative to the million advanced in June, 1776, to whom it was paid, and for what objects expended, with the avowed purpose of opposing this sum against the claims of Mr. Beaumarchais, in case he should have been the person who received it. In reply to which, Mr. Buchot sends a copy of a receipt, dated the 10th of June, 1776, and given by Mr. Beaumarchais, for one million of livres, paid by the order of the Count de Vergennes, and to be accounted for to him; which receipt, Mr. Buchot remarks, "appears to be the one necessary to the United States, in adjusting their accounts."

After the disclosure of this receipt, no doubt seemed to be entertained that Mr. Beaumarchais was the person who had received the million of livres, advanced for the use of the United States, in June, 1775, and he was held accountable for that amount by the accounting officers of the Treasury, though the charge was earnestly resisted by Mr. Beaumarchais, in a long and eloquent memorial, addressed to the President, in 1795, as, also, by his agent, before and after his death, in 1799, and was, in 1802, the subject of a remonstrance from Mr. Pichon, the chargé de affaires from France to the United States.

In 1805, the accounts of Mr. Beaumarchais were definitively settled by the Comptroller, and after charging him with the million received on the 10th June, 1776, with interest from that date, a balance of 222,046 12.2, equal to $41,119 74, was found due him on the 1st January, 1791.

In 1806, Madame Eugenie Beaumarchais de la Rue, the only daughter and heiress of Mr. Beaumarchais, by a memorial presented through her agent, made an appeal to Congress from the decision of the Treasury Department, which has been renewed, from time to time, to the present period.

The several reports which have been made by the committees to whom this claim has been referred, as they contain nearly all the arguments that can be urged, either for or against its merits, are annexed to this report, and they may be here briefly noticed.

In 1806, the Committee of Claims made an unfavorable report, except as to the balance of $41,119 74, which, with interest from the 1st January, 1791, was paid to the claimants.

A note from General Turreau, the French Minister, accompanied the petition of the claimant, in which it was stated for the first time, that, in consequence of a minute search in the records of the Department of Foreign Relations, there had been found in a file, entitled "United States," a receipt of Mr. Beaumarchais of the 10th of June, 1776, for a million, which was "given to him by orders from the King, for an object of secret political service of which he reserved the knowledge to himself," as well as the account rendered in the same year, by Mr. De Vergennes to the King, of the application of that sum, in conformity with his instructions. This communication was accompanied by observations and arguments on the part of the Minister, in favor of the claim.

In the following year, the President, by a Message dated February 6, 1807, again brought the subject to the notice of Congress, and at the same time communicated a note from the French Minister, together with his answers to the objections which had been made to the claim, in a letter from Mr. Gallatin, Secretary of the Treasury, addressed to the committee of the preceding year. The note from the minister thus concludes: "The present Government of France has made all possible research, in order to enlighten its equity and its justice, in an affair which interests a family, whose head employed all the fortune which he ought to have left it, to the support of the American cause; and it is, after the most intimate conviction, that this sum is due to Mr. De Beaumarchais, that it has charged its Minister Plenipotentiary to declare now, that the million given on the 10th June, 1776, to Mr. De Beaumarchais, was employed in a secret service; that an account of it has been rendered to the King, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States." The Committee of Claims to whom the subject was referred, on the faith of this declaration, made a favorable report; but as questions of law might arise in investigating the case, they recommended that the claim be submitted to the Secretary of State, with instructions to report to Congress at the ensuing session.

This course was adopted, and in December 1807, the Secretary of State reported the opinion of Mr. Rodney, the Attorney General, on the question, whether the controverted million ought to be regarded as a legal payment by the United States, which opinion, after a full examination of the subject, was thus summed up, "that the plea of payment or discount could not be supported, unless collusion with Beaumarchias be attributed to the French Government; an idea inadmissible, and which could not enter into his view of the case."

In March, 1812, the subject was again referred to the Committee of Claims, who made an unfavorable report, in the words of the report of a former Committee of Claims in 1806, with the addition of a letter from Mr. Pinkney, then Attorney General, to the chairman of the committee, in which he says, that "viewing the question as a mere matter of law, he was compelled to say, that the title to the deduction insisted upon must be shown by the United States, and that the evidence would not be sufficient to establish it in a court of justice."

In January, 1817, the subject was "recommended to the favorable attention" of Congress, by a Message from the President, who at the same time transmitted a letter from Mr. De Neuville, Minister from France, to the United States, in support of the claim, and the correspondence which had taken place during the preceding year, between Mr. Gallatin our Minister in France, and the Duke de Richelieu, Minister of Foreign Affairs, relative to the subject. The claim was referred to a committee who did not act on it. And in the following year, the present President of the United States, by a special Message in January, 1818, gave the claim a similar recommendation. It was accordingly referred to a select committee, who, after a very elaborate report on the facts and merits of the case, decided in favor of the claim; but their decision was negatived by the House.

In March, 1814, a select committee made an unfavorable report on the claim.

In March, 1822, another Message was received from the President, transmitting three letters from Mr. De Neuville on the subject of the claim, and recommending it to the favor of Congress as before, but the subject was not acted on.

At the succeeding session, this Message was referred to a select committee, who on the 28th January, 1823, reported a bill in favor of the claimant, which for the want of time, passed only to a second reading.

It thus appears, that one Committee of Claims, two select committees, and two Attorney Generals, have decided in favor of the claim, either on the ground of its justice, or of the illegality of the discount claimed by the United States, and that two Committees of Claims and one select committee have decided against it.

After the most attentive examination of the numerous documents in which the above mentioned facts are disclosed, the committee are of opinion, that, though the disposition of the million of livres received by Mr. Beaumarchais, in June, 1776, is involved in some uncertainty, which may never be entirely dispelled, yet they think there is strong persuasive evidence, that it was meant by the King of France to assist Mr. Beaumarchais in the purchase of those supplies with which he furnished the United States. In support of their opinion, they rely on the following facts: The first offer of the French Government to render secret assistance to the United States, was made through Mr. Beaumarchais. The amount of supplies which he afterwards furnished, was far beyond his apparent resources; and his former habits and pursuits though they comported very well with the character of a secret political agent, rendered him but ill qualified for commercial transactions. Most, if not all the articles of a military nature, were taken from the King's arsenals. The opinion, that the supplies were furnished principally, if not altogether by the King, was entertained for two years by the American Commissioners, who were on the spot. The repeated declarations of the Minister himself, to the same effect, as evinced not only by repeated letters from Mr. Arthur Lee, but by the joint letters of the three Commissioners to the Secret Committee of Congress, dated 7th October, 1777. The presumptions arising from these facts, receive the strongest confirmation, from the letter written by the Count De Vergennes to Louis XVI., dated May 2d, 1776, which is taken from the history of the French diplomacy, and believed to be authentic, in which he speaks of being authorized by the King, "to furnish a million of livres for the use of the English colonies," and of the transmission of the funds which his Majesty was pleased to grant the Americans, and of directing the necessary precautions to be taken, as if the proposed agent, Monsieur Montaudon, advanced the funds on his own account. He mentions also, the reply he had made to Mr. Beaumarchais, which was evidently favorable and connected with the same subject; and states, the precautionary steps he had taken to prevent discovery, as it was of consequence that the operation should not be known, or "imputed to the Government."

From this letter, it is clear that the million here spoken of, was intended to be paid to the United States, and not to others, for some secret service; that Mr. Beaumarchais had a principal agency in the transaction, and that in speaking of the importance of secrecy, the language applies rather to those aids which State policy might wish to conceal from Great Britain, than to that species of political services which might involve the character of individuals, and the honor of the nation.

The same work affords another piece of corroborating testimony. In a letter from Louis XVI. to the King of Spain, dated January 8th, 1778, he speaks of "succors of money and other kinds," which France had given the United States, the whole ostensibly on the score of trade.

To this mass of testimony which has been gradually elicited in the successive investigations on the subject, it is objected:

First Objection. That, whatever motives the French Government might have had before 1778, for concealing the advance of this million, it could have had none, after it had openly espoused the American cause, except those that are incident to all disbursements of secret service money.

To this it may be remarked, that, though the motives for concealment were much weakened after their open rupture with Great Britain, yet they might be supposed not to have entirely ceased after that event, for, as Dr. Franklin remarks, France might not be willing to furnish authentic proofs of such a transaction, so early, in our dispute with Great Britain; and that sagacious observer considered this reason sufficient to account for the mystery in which the "lost million" was involved. Besides, other facts have been concealed, long after any necessity for concealment could be supposed to exist. It was not until 1794 that the seemingly unimportant fact, that Mr. Beaumarchais was the person who received the money was communicated, nor until 1806 that it was declared to be for a secret political service.

Second Objection. That, as the knowledge of this million grew out of the contract of February, 1783, long after Mr. Beaumarchais had been the creditor of the United States, he ought not to be affected by an instrument to which he was no party, and of which he had no notice.

The committee think, that so far as concerns this transaction, neither Mr. Beaumarchais nor the United States are bound by this contract. They, because they had no knowledge of the facts which have since been disclosed; and he, because he was no party. But, he is bound by his own receipt, taken together with that evidence, which shows the money to have been received for the use of the United States.

Third Objection. That he has accounted for the disbursement of the money to his own Government, to whom alone he was responsible.

The only direct evidence of the fact, that Mr. Beaumarchais had accounted to his Government for the disbursement of the million received in June, 1776, is to be found in the paper subscribed by the King's own hand, dated December 7, 1776, in which it is stated that the million of livres, applicable to secret political services, had been "applied to the purposes intended by the King." But granting that this expression did not mean to refer simply to the payment of the money to Mr. Beaumarchais, but to that disposition of it which he should make; still it is not presumed that any other evidence would be required of Mr. Beaumarchais, that the money had been applied to its intended purpose, than that he had actually purchased and transmitted the supplies, which evidence he could probably find no difficulty in furnishing at the date of the King's letter, as the three first cargoes, amounting to a million and a half, actually left France before the 5th of February, 1777; and one million of that sum may easily have been expended in their purchase, before the 6th of December preceding; and indeed, in Mr. Beaumarchais' own letter to Congress, of the 1st December, 1776, he states the amount of his advances to be about one million. Besides thus satisfying his own Government that he had fulfilled its wishes, does not do away his obligation to account with the United States for the money received to their use, for that would enable him, in part, to frustrate, instead of fulfilling, the generous purposes of his Government.

Fourth Objection. That, whatever may be the doubts about the fact, the evidence is not sufficient to establish a legal discount against Mr. Beaumarchais, in a case in which the burden of proof lies on the United States.

If this were the case, the claim ought long since to have been settled by the accounting officers of the Treasury, as they would not probably feel themselves bound to allow any evidence in favor of a discount, that would be rejected by a court of justice. But, granting that they would, yet it must be recollected that the settlement now complained of has received the sanction of three successive Administrations, and Congress is applied to, not in the ordinary case of allowing a claim for which the law has made no provision, but to make a different decision, on a mere point of evidence, from that which has been made by the department, whose particular province it is to settle all accounts in which the Government is a party, and whose functions best qualify it for the correct discharge of that duty. And, although the magnitude of the claim, and the acknowledged services of Mr. Beaumarchais, may warrant Congress in revising the decision of their accounting officers, yet, assuredly, they cannot be under any obligation, in exercising this extraordinary interposition, to pay the claim, so long as they have strong doubts of its justice.

But it is further contended that the repeated declarations of the French Government ought to outweigh the presumption arising from this mass of circumstantial evidence.

If, indeed, the proper functionaries of that Government, who were privy to the transaction, had explicitly declared that this million had not been used by Mr. Beaumarchais in the purchase of the supplies which he furnished to the United States, the comity and respect which ought to prevail between civilized nations in their friendly intercourse, might have bound us to receive the declaration as conclusive. But such is not the fact: the Count de Vergennes, who alone could speak from personal knowledge, so far from making such a declaration, did not mention, either at the time of the treaty of February, 1783, or when applied to, by Mr. Durival, in 1786, that Mr. Beaumarchais was the person who received the money. He says nothing even about its being for a secret political service. For aught that appears, he was not aware that the inquiry was material in our settlement with Mr. Beaumarchais, or was made for any other purpose than to exculpate Mr. Grand and Dr. Franklin. And this silence on facts, which have been since communicated, and which no considerations of national prudence or State policy required him, even then, to conceal, affords some presumption that he expected Mr. Beaumarchais would account for it, which is not indeed very strong, but is quite as much so as any other that is favorable to the claim. When, afterwards, in 1794, the receipt of Mr. Beaumarchais was brought to light, Mr. Buchot, the organ of the French Government, who produced it, indirectly admits that Mr. Beaumarchais was accountable to the United States for its amount. If the subsequent declarations of General Turreau and the Duke de Richelieu, to the contrary, have been in more positive terms, it is manifest that they do not speak from any personal knowledge of the transaction, but draw inferences from facts, of which we, having the same means of judging as themselves, have a right to make a different estimate.

Upon a full and candid review of the whole case, whatever may be our private wishes on the subject, and however it may be regretted that a controversy should arise in settling the compensation for the most important services, rendered with the most friendly sentiments, at a very critical period of the Revolution, yet, if the case be regarded as a mere money transaction between a private individual and this Government, and be judged by the rules of secondary evidence, (the best being in the possession of the party or his Government,) the committee are compelled to say, that the accounting officers of the Treasury were justified in refusing payment of the million in question, and that the Legislature would not be warranted in reversing their decision.

But the connexion which this transaction has with the French Government, and the delicate relation in which it places the United States with that Government, are not to be overlooked in this controversy. They make, as the committee think, an essential alteration in its character, and create, on the United States, a new duty.

The amount of Mr. Beaumarchais' original claim is undisputed. It has been adjusted, by the officers of our own Government, to their own satisfaction, and the discount which we claim was not paid by ourselves, but, as we say, by the French Government, by part of a voluntary gift to the United States. But that Government says, that the million which we seek to use as a discount, was expended for our benefit, in a purpose which both policy and honor forbid them to disclose, and that Mr. Beaumarchais, who was their agent as well as ours, ought not to be accountable to us for its disbursement. Now, however we may be inclined to think them mistaken, it seems to the committee that the self-respect of this nation will not permit it to dispute, with a donor, the character and object of his gift. On this question the wishes of France should supply the place of proof; and, as we received the declarations of the Count de Vergennes, in 1778, with regard to the military stores furnished by Mr. Beaumarchais, as conclusive; as, in 1783, we acknowledged the receipt of the million in question, without requiring any other evidence of the fact than the declaration of the French Government, so now that it is disclosed that Mr. Beaumarchais was the person who received the money, we are equally bound to receive their declarations respecting it, and consider him as not chargeable with this million. For, if the French Government is right, then we owe the money without a question; and, if it is mistaken, then, in paying the money, we merely return a part of the gift we received, rather than insist on applying it to a purpose to which the donor objects. And we should feel less hesitation in taking this course, as we thereby avoid the risk (which inferior evidence always implies) of injustice to the family of one whose meritorious services to this nation, in the hour of its utmost need, our foreign agents all concurred in acknowledging.

But, inasmuch as the obligation of the United States to pay this money, arises, in the view taken of it by the committee, from the relation in which we stand to the French Government, and as that Government has introduced the claim of Mr. Beaumarchais' heirs into the negotiation which has been for some time carried on, and is yet pending, between the two nations, with regard to the illegal seizures and confiscations made of the property of our citizens during the Imperial Government, the committee think that the claim had better be left to the friendly adjustment of the two Governments; and the rather, as, in the course of the negotiation, on the scene of the transaction, further facts may be developed to dispel the obscurity in which it is involved, and remove the doubts of either nation. With this view, they beg leave to submit the following resolution:

Resolved, That the claim of the petitioner, Eugenie Amelie Beaumarchais De la Rue, be referred to the Executive of the United States, to be adjusted in the pending negotiations between the United States and France, on such terms as they may think just and equitable.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. CONDICT in the Chair,) on the bill to amend the several acts respecting duties on imports.

The question, pending from the last day of sitting, being on the motion of Mr. BRENT, to strike out the clause imposing a duty of six cents per square yard on *cotton bagging* imported—

Mr. HAMILTON, of South Carolina, said, that a disposition to offer a word or two in reply to the gentleman from Kentucky, had induced him, on Friday, at a late hour, to move the Committee to rise; and he would now briefly redeem this constructive pledge. That gentleman had broadly asserted that the cotton bagging of the West has no protection, and to this declaration he desired the Committee to advert; for, he presumed, the gentleman had forgotten the existing duty of twenty per cent., in effect, on the article in question, and a duty of one hundred per cent. on the raw material of which it is composed. Mr. H. said, he would offer this short detail, in proof of what he had thus affirmed—a piece of cotton bagging, of between sixty and seventy yards, costs, in England or Scotland, at fourteen cents per yard, about eight dollars and forty cents, on which there was paid, here, a duty of one dollar and eighty-four cents; so that, without adding freight and insurance, for every eight or nine dollars' worth of bagging, used in the United States, there was a clear protection to Kentucky of one dollar and eighty-four cents. This was, however, not enough—for the duty proposed in the bill under consideration, was equivalent to seventy-one per cent. This would be its operation; for, on a piece of cotton bagging of sixty running, or seventy square yards, at six cents per square yard, $4 20 would be the amount of the duty, to which is to be added the bounty allowed in England, on exportation, of three cents per pound, under the operation of the third section of the bill, which will be $1 80, making an aggregate duty of $6 on a piece of bagging costing originally but $8 40.

The gentleman also affirms, said Mr. H., that the raw material is insufficiently protected. Any thing beyond the present rate of duty and charges would seem to be a prohibition; for, it has been unanswerably made out by a variety of statements, founded upon undeniable data, that, if you add to the duty of $30 on each ton of imported hemp the original cost of the article, with that of transportation from the province in which it is raised to St. Petersburg, with freight, insurance, commission, and difference of exchange, that the protection now was equivalent to a duty of one hundred per cent. And here he would notice a remark which fell from the honorable gentleman in regard to the Western hemp, which, he had assured us, was at least ten per cent. stronger than the Russian. The House were in possession of a document, on this subject, which might be as valuable as the experience of the gentleman. The Navy Commissioners had transmitted a letter, (he believed to the Senate, and, during the recess of the House since Friday, he had conversed with some of the Commissioners on the subject,) in which it is stated that this apparent excellence of the Western hemp was altogether fallacious; for although, when new, it was apparently as strong as the Russian hemp, yet, in durability, it was not at all comparable; so little so, that in the naval contracts for cordage, there was uniformly introduced a stipulation that the supplies of rope, cable, &c., should be fabricated of the imported article. This difference between the home and foreign hemp did not result, perhaps, from any intrinsic inferiority, but from the mode of its preparation. It was understood that the Russian hemp was all water rotted, whilst that of the West was merely submitted to the more gradual process by exposure to the dew. The latter course was pursued among our brethren of the West, from judicious considerations of health, as the multiplication of stagnant ponds, covered with the vegetable putrefaction of this process, would, undoubtedly, be seriously pernicious to those immediately within their influence. This was, perhaps, one of the blessings of the bill which was to operate so beneficially, in all quarters, by the effect of the proposed bounty.

Mr. H said, he desired to set the gentleman from Kentucky right in another particular, before he took his seat. He has informed the Committee that the duty on coarse cottons operates as a protection on the cotton-growing States, and was so solicited and considered by our representatives when it was imposed. My lamented predecessor (Mr. Lowndes) did not so consider it in the masterly view he took of this subject, and it was a part of the scope of the luminous argument he offered on the tariff of 1820 (one of the greatest and brightest of his efforts) to show the impolicy of this duty in its direct effect on our East India trade. But it is altogether beyond my scrutiny, said Mr. H., to discover how this duty on coarse manufactured cottons can operate as a protection to South Carolina and Georgia, when we do not dread the raw material in any shape in which it may be introduced. Indeed, we are so often upbraided for estimating too lightly this, and the duty of three cents on the unfabricated article, that I am disposed, in the name of the State I represent, to offer a fair compromise—relieve us from the overwhelming pressure of the restriction of the bill under consideration, and we will cheerfully surrender this vast protection upon our cotton, and every other which may be supposed to favor our agricultural products. The true meaning, however, of the term (said Mr. H.) in the vocabulary of the gentleman from Pennsylvania, of protection, throughout his whole bill, is prohibition, and this the nation will at last understand.

Mr Trimble, of Kentucky, again took the floor, in reply to Mr. Hamilton. He now understood it to be admitted, that the hemp of Kentucky, is, on its first trial, ten per cent stronger than the hemp of Russia—but, it was contended, became weaker by use. In this respect, Mr. T. said, if the fact were as stated, the hemp resembled some arguments he had heard—they seemed strong at first, but become weaker and weaker the more they were tried. Mr. T. had some doubt of the fact respecting the hemp, however, not believing that there could be any thing in the climate of the country which, after producing the strongest hemp, should take away its strength. Mr. T. replied to the suggestion of the gentleman, that, if this duty on bagging were not laid, he would be willing to take off the duty on cotton. If he did that, Mr. T. said, he would venture to say, that the gentleman's constituents would take him out of this House, and send somebody here, in his place, who would put the duty on again. With regard to the local feelings and interests, against the influence of which the gentleman from New York protested the other day, Mr. T. said, that no man could discharge his duty to the public at large, if, in making out a tariff of duties, he did not look to local as well as general interests. The tariff cannot be equalized unless by doing so, and it was the duty of a statesman, to look to such considerations. To form an equitable tariff, the pressure must be lessened in some places, and increased in others, &c.—and, after all that can be done is done for this purpose, a change of prices would still make a change of pressure. The amount of the existing duty, Mr. T. argued, had been overrated: it was but twenty-six per cent. and gentlemen who had made it amount to more, had only mistaken the figures with which they set out in their calculation. The whole country was interested, he further contended, in encouraging the production of hemp, it being an article as necessary in war to the maintenance of the navy as the hulls or any other parts of the ships composing it. Mr. T. here entered into a calculation which, he said, would show what the mighty burden of this tax on the cotton planters amounted to. The price of cotton, he said, is higher than that of bagging and bale rope; but, in selling cotton, the bagging and bale-rope are all weighed and sold as cotton. Cost what it may, it brings to the grower the price of cotton, and is, in point of fact cotton, to him. Five yards of bagging are sufficient for a bale of cotton, weighing about two and a half pounds each yard; add to this six pounds of bale-rope, and there is a total of something like twenty pounds weight. Say that the cotton sells for twenty-five cents—and in his country they never got it for less, though they used it of rather inferior quality—multiply the weight of bagging, &c., by the price of the cotton, and it would be seen that the cotton planters make, upon every bale of cotton, three dollars clear! That is, upon every bolt of bagging which they use, they actually make a clear profit of twenty dollars. There could, therefore, be, and there actually was, no cause of complaint on the part of the cotton planters. Mr. T. here took a comparative review of the progress of the duties on the importation of hemp, and of tarred and untarred cordage. Beginning at the year 1785, when the duty on hemp began at sixty cents per 112 pounds, and on cables, tarred and untarred, at seventy-five and ninety cents, he came down to the present time, when the duty on tarred cordage is three cents per pound, and that on untarred cordage is four cents per pound, All the protection hitherto given by law, Mr. T. went on to argue, had been tide-water protection. Of this he did not complain. All that he asked was, that some little protection should be extended to the industry and capacity for production of other parts of the country. With reference to the duties on sugar, rice, and cotton, imported, whether they were intended to protect the home manufacture of those articles, was, Mr. T. argued, of no importance. The matter of fact is, that they do encourage it—and the fact is all that is material. The whole people of the United States are taxed to protect the sugar grower, the cotton planter, the rice grower, and the indigo maker; and he might go further, and he considered it no more than fair and just that some little protection should be given to the staples of other parts of the country.

Mr. Brent, of Louisiana, rose to correct a part of the calculation of the gentleman from Kentucky. As to the cotton consumed within the United States, it is true, that the bag is sold with the cotton. But the amount consumed in the United States is but forty thousand bales, while the quantity exported amounts to six hundred thousand bales. In the foreign market the bagging is not weighed. The merchant pays for the cotton alone, deducting the bagging. The gentleman, therefore, would get nothing by this argument. The duty on foreign sugars, Mr. B. said, could have no weight in this discussion. The very reasons on which the gentleman supported an increase of the duty on hemp, would justify a proposition for a prohibitory duty on sugar; for the fact was, that the State of Louisiana alone, was capable of producing more sugar than can be consumed within the limits of the United States.

Mr. McKim, of Maryland, went into a calculation to show that the duty of six cents per square yard was not all that was laid by the bill in the article of cotton bagging, because the width of the bagging being forty-two inches instead of thirty-six inches, the overplus in width made the duty on the running yard amount to seven cents; and the third section of the bill laid on all goods, for which bounty was paid by a foreign country, a duty equal in amount to such bounty; and by the laws of Great Britain, a bounty equal to about three cents the running yard was given to the manufacturers of this article—the bill, therefore, laid a countervailing duty of this amount, which, added to the former seven cents, made the total duty per running yard laid by this bill on the article of bagging, amount to ten cents, instead of six. So he understood the operation of the bill—and he applied to the Chairman of the Committee of Manufactures to explain.

Mr. Tod, in reply, said, that the fact of a bounty being laid by Britain on the article was one of the strongest arguments to show the propriety of our protecting it. He disavowed any intention on the part of the committee, to make the total duty more than six cents—and said that, if the gentleman from Maryland would move any amendment producing that result, it should have his assent.

Mr. Cobb, of Georgia, said that the object of this duty was distinctly avowed: it was not to protect manufactures that existed, but to assist in bringing them into existence, and the price of doing so was to be laid on all the cotton-growing States. But, if Russia could raise and export hemp to Scotland, and they could manufacture and export it to this country, and, after all charges, could undersell Kentucky, with all its advantages of hemp land, it was certainly not owing to a want of protection, but a want of skill or proper management. Mr. C. then stated, from personal knowledge, the average amount of bagging required by a round bale to be from five to five and a half yards, and the average price of imported bagging to be thirty-five cents, making the amount of bagging on a bale amount to one dollar and seventy-five cents. But the bagging, though sold with the bale, did not bring the first cost, and there was, besides, by custom, a deduction of two pounds, for which nothing was paid. The weight of bagging on a bale was about ten pounds; so that eight pounds only was paid for, and this at about fourteen cents. But, if such was the case now, what would it be if this bill should pass? The operation of it would be to impose, for the benefit of Kentucky and Ohio, a tax on all the cotton-growing States of not less than $300,000 a year. Mr. C. then went into an argument to show (in answer to Mr. Marvin) that the cotton grower was the real consumer of the article. Its price regularly increased till it got to his hands, and as regularly decreased till it got to the manufacturer, who would allow little or nothing for it.

Mr. C. repeated the offer to give up the protecting duty of three cents per pound on cotton, if gentlemen would give up the duty on bagging. To which he added a further pledge that the duty which was urged to be a bounty on sugar, should also be surrendered, if they might only escape this (he had almost said,) cursed tariff. He put a case, of two tradesmen, a saddler and a hatter, who had equal capital, but unequal business; and asked, what would be thought of a Government that would tax the one to pay it to the other, in order to *equalize* their condition? This, he said, was in substance, what was now proposed to be done between different sections of the Union. And he ended, by intimating, that, although the people of the South were orderly and submissive to the authority of their Government, there might be a point, to which, if prohibitions should be pushed, they would be resisted.

Mr. COOK combatted the justice of the objection of the gentleman last up to the principle of the bill. If two sections of country enjoyed, by nature, unequal advantages, and legislation interfered in aid of that which had the greater, it ought certainly not to refuse to aid, in an equal degree, that which had the lesser advantages. He said that the protecting duty on cotton had encouraged the cultivation of that article until from nothing it had arisen to such a height, as not only to supply the entire demand of the whole United States, but to export double the amount consumed in the country. It was not very surprising that now, after having been placed upon a solid foundation by the bounty, the cotton growers should be willing to give it up—they could afford to do so. And nothing could be a greater proof that the duty was a direct premium than the very offer with so much readiness to relinquish it. Mr. C. then stated the total amount of cotton raised annually in the Southern States, the bounty on which, at three cents per pound is $950,000, which sum was paid to the growers by the consumers. Now the whole duty proposed by this bill to be laid on bagging, would amount only to $66,000. So that, while the other States paid the cotton-growing States $950,000, all they asked in return was, that those States should pay $66,000. The cotton too, consumed in the United States, was used by the poor, in the form of coarse cottons. And the growers of hemp too, though respectable, as well as a part of the yeomanry of the country, might be classed in general among the comparatively poor. The proposed duty, therefore, would be paid by the rich for the benefit of the poor.

Mr. GURLEY, of Louisiana, said, that the bill was professedly brought in to protect, not only the manufactures, but the agriculture of the country; but if this was the kind of protection intended, he thought it was of an extraordinary kind; and the severest dispensations of Providence, in the form of bad crops and unfavorable seasons, were not to be compared with the severer which threatened the Southern agriculturists from the bill upon the table. In reply to what had yesterday fallen from the gentleman from Kentucky, (Mr. TRIMBLE,) he would remark that he returned to that gentleman, and his constituents, his hearty thanks for their protection and patriotism, as displayed in 1815—but he must say, should the bill pass, their protection and their patriotism would prove to have been to little purpose—they would take back (and he must be allowed to say, with usurious interest,) all the benefit they had bestowed.

The gentleman from Illinois had remarked that figures could not lie: he would, therefore, show by figures what would be the operation of the bill on the agriculturists of the cotton-growing country. By the report of the Secretary of the Treasury, in 1822, it appeared that there was raised that year in the United States 144,000,000 lbs. of cotton, which, when made into bales, weighing on an average about 300 lbs. a piece, would make 522,829 bales. The bale required on an average seven square yards of bagging, which would give 3,657,803 yards necessary for baling. By the tariff of 1816, a duty was allowed on this of three cents a yard, producing an amount of $109,734 09. Might he not ask if this was not sufficient? But, if the bill should pass, the duty (which ought fairly to have been avowed as amounting to ten cents a yard) would amount to $240,468. God save me, said Mr. G., from such protection as this! But this manufacture is already protected to the amount of twenty-five per cent.; and a manufacture that could not stand with such a protection was not worthy of being upheld. The protection now proposed would, instead of twenty-five, be sixty-three per cent. ad valorem. Mr. G. concluded with a general remark, that there never was a bill presented to the House which was likely to produce such extensive effects on the future condition of the country as this.

Mr. SANDFORD, of Tennessee, was opposed to the duty, as diminishing the revenue, on the importance of which to the support of Government he made a few observations. This article of bagging had produced, heretofore, an amount in revenue of $100,000, which would be lost if a duty was laid amounting to a prohibition. The agricultural, mechanical, manufacturing, and commercial classes, were all united by reciprocal ties. If one duty was laid for one of them, and another for another, we should go on until the whole revenue was swept away; and who was prepared to go home to his constituents and tell them he had so legislated away the revenue, and now resort must be had to direct taxes? The manufacturers of Kentucky, on a late occasion, in which the drought obstructed communication, had raised the price of bagging to 45, 50, and even 60 cents a yard, though they afterwards carried the same goods to New Orleans and sold it at 25 cents. This led the cotton growers to make split mats for covering their cotton, and to fabricate ropes out of white oak bark instead of hemp, or bind up their bales with split hoops. He mentioned this as a hint to gentlemen not to go too far in laying duties on bagging. The public debt was stated to be ninety millions; he feared, as matters were going, we should not raise, by revenue, one million next year.

Mr. BUCHANAN said that much embarrassment had arisen from uncertainty in the amount per cent. to which the bill contemplated to raise the present duty on bagging. Some gentlemen stated it to be 25 per cent., others 30, others 80, others, again, over 100. He said he was favorable to the cause of manufactures, and thought it ought to be protected; but not by going faster than the growth of manufactures would warrant. He thought, as the farmers of the West had no market for their grain, that their hemp ought to be brought into fair competition with that of foreigners; this was as far as he would go. He was willing, on the article now under consideration, to vote for a duty of 10 instead of 20 per cent. additional. He was informed that 4½ cents per square yard would be equal to a total duty of 30 per cent., and this he should move, if the present duty was not carried.

Mr. TOD said that if the gentleman from Pennsylvania voted throughout on this principle, he must vote against the whole bill. The duty it proposed on woollens was 60, and that on cottons more than 150 per cent. And as to the duty now under consideration, it amounted already to 80 or 100 per cent. by the tariff of 1816; if the gentleman wished to have it 30, he must move for a repeal of the laws now existing. Six cents was the very sum recommended by the Secretary of the Treasury. The duty on cotton had raised it from nothing to a production of $24,000,000 in value in 1822, and, though last year it was something less, in weight, it was larger in the amount of value. The grain-growing States having grain which the English will not buy, ask, in this bill, a protecting duty of 70 or 80 per cent.; and all the cotton growers object to it, because it may, by possibility, bear hard on them; but the probability was directly the reverse. Navigation had been protected, and the price of it had fallen, instead of rising; coarse cottons had been protected, and the consequence was the same; and so it would prove with cotton bagging. This was not theory, but fact and experiment. But supposing that for one year they should pay a little higher, was not this better than dependence? Had they forgotten the last war, and what they had to pay, in consequence of having depended on foreigners?

Mr. **Rankin** then went into a statement, to show, on the same ground with Mr. **McKim**, that the real duty paid would be ten cents, and not six. Besides which, by the act of March 1, 1823, there is an additional duty of ten per cent. to be paid when the article enters the United States.

Mr. **Tod** rose to correct this statement. The 10 per cent. in that act, was only 10 per cent. on the amount of duty; and even this was taken off, as respects England and most other countries.

Mr. **Rankin** then resumed his calculation; the result of which went to show that the duty would amount to 70 per cent.; and that the State of Mississippi alone would have to pay $25,000 of it. The protecting duty on cotton, he also argued, was no equivalent.

Mr. **Buchanan** replied to Mr. **Tod**, and said he was sorry the gentleman was willing to risk, as he said, the whole bill on such a desperate hazard as the passing of this duty—a duty, he was prepared to show, greater than that on any other article in the whole bill. He approved the duty on hemp, and was willing to make that on bagging equal to it. He thought the proposed duty out of proportion, and much greater than needful. He censured the implied threats of resistance thrown out by a gentleman from Georgia. Such language tended to disunion, and ought to be repressed. Yet he believed that Congress might go so far (in proposing, for instance, a direct land tax for the support of manufactures) that the people would rise in their majesty, and overwhelm the act, factories, and all. By going too far, gentlemen only incurred the danger of reaction.

Mr. **Clay** then rose and said that it had not been his intention to engage in any discussion on the details of the bill; but this was one in which his own district was so specially interested, and its provisions had now been attacked from so unexpected a quarter, that he should hold himself culpable if he refused to answer. He would, therefore, say to the gentleman from Pennsylvania that, if this article would not bear the duty proposed to be laid upon it, there was not an article in the bill that would.

The great articles which it was proposed to protect, were cotton, wool, hemp, and iron—but if the country could manufacture any article whatever, that article certainly was cotton bagging. Having a personal acquaintance with the mode of its manufacture, he begged to state a few of the facts respecting it to the House. The buildings in which it was conducted were of the slightest and cheapest kind, much resembling ropewalks; the hands employed in spinning were, for the most part, small negro boys, and a few negro girls. The weavers are all either negroes or common laborers; and such is the facility with which the manufacture can be extended, that, if the bill shall pass, I am willing to pledge myself, said Mr. C., in any form, that, within twelve months, twenty millions of yards can be produced, and almost without a special effort. I am well acquainted with the article, and it is one which, of all others, I should select to illustrate the propriety of the principles of the present bill. Who are our competitors in the manufacture? The weavers of Inverness and Dundee, two small towns in Scotland; before the war they had the entire monopoly of this article. During the war, a portion of our domestic labor was directed to this article, and, as might be expected, the manufacture being in its infancy, the prices first demanded were very high—after the close of the war, the factories still continued—but, in a languishing condition, till by the joint competition of the American and the Scotch manufactures, they were completely prostrated. No sooner was this effected, than immediately the price was raised upon the cotton grower; and the extra price then paid would be more than equal to ten years protection of our own fabric. What is it, on the general principles of political economy, that secures an abundant supply of any article made, and its good quality? It is competition. And the real question now before Congress is, whether these men of Inverness and Dundee shall continue to have the monopoly, or whether there shall be an American competition to counteract them? The gentlemen ask, what is to hinder the competition at present? Why cannot we now make the article? I reply to them—that it is only for want of a certain and a steady market, guarded against the sudden influx of goods sent into it from abroad for the very purpose of prostrating our manufactures. The Scotch merchant reasons in this way—if I can, by selling my goods for one year at half or a quarter of their value, or by throwing them away altogether, secure a monopoly of those goods for ten or for twenty years, I shall, on the whole, be a gainer. But, if it is asked, how a sudden influx at a low price can so soon destroy the American manufacturer? the answer is not difficult. It is to be found not only in his comparatively small capital, but in the character of our people, which has in it a mixture of impatience with its activity. They soon become disgusted and discouraged with a business that is not immediately productive; and, in this particular manufacture, the persons employed are so easily turned to some other branch of industry, that, unless a steady market is secured, the establishments can have no permanency or success. But, from my knowledge of this manufacture, I now assert, allowing the present average price to be thirty cents, that if the proposed encouragement is given, in less than twelve months the American will be furnished at a lower rate than the Scotch article.

Something was said about the nature of the American hemp. It is true, that a large portion of that now raised is dew-rotted—but, in the State of New York, and other parts of the Union, as well as in Kentucky and Ohio, much is also water-rotted. And there is not a doubt, that, if protection be given, enough could be obtained for all uses, both maritime and manufacturing. The quantity required was not so very great—a yard of bagging weighs only a pound and an half. So that, allowing four millions of yards to be made, only six millions of pounds weight of hemp is needed. But there is another improvement lately discovered in the preparation of it, by which the necessity of both dew-rotting and water-rotting is completely done away with—and that is, by suffering it to remain one year in stack; a process takes place which renders the hemp, at least in texture and appearance, equal to any of the Russian. Besides all which, late improvements have been introduced into the dressing, which supersede either rotting or stacking.

Mr. C. then went into a calculation to show that the estimate of the rate per cent. stated by some of the gentlemen in opposition, was incorrect.

But what, sir, is the principle on which the gentleman from Pennsylvania means to go? He will protect our manufactures as soon as we are able without protection to go on with the manufacture. Sir, protection comes first in the order of nature; it is while a thing is in feeble infancy that it needs protection. If the gentleman is going to wait till the American manufactures, operated against by the legislation of the universe, opposed by foreign Governments, resisted by foreign capital, combined against by foreign companies, and towns, and cities, in every part of Europe—shall, unaided, attain to strength and vigor before he will protect them, he will never have the opportunity, or, if he have, his protection will be as thankless as it will then be unnecessary. Sir, it not only can happen, but it has happened—Dundee and Inverness have driven America off the field. They prostrated us in 1816 and 1817, and they had the undisputed monopoly of our whole market till 1822, and they knew how to use it too.

But this may happen even where there is no hostile design against our establishments. The market failing him in Europe, the European manufacturer finds an accumulation of goods upon his hands; and this is the market in which he has the best chance to dispose of them; he pours them into our auction rooms, and the effect is just as baneful as if it were done out of the most determined hostility. Gentlemen seem to wish this state of things to continue—they would leave the monopoly where it is—leave us dependent on a little Scotch town. We, sir, wish to destroy that dependence by setting up an American competition.

Mr. C. here referred to a letter from a person of competent information at Lexington, which stated, on the revival of manufactures, in 1822, a million of yards of bagging had been made there, and had reduced the Scotch price from thirty to twenty cents.

Mr. OWEN attributed inconsistency to gentlemen who first deprecated sectional feelings and sectional discussions, and then immediately referred to their own State and district. He accused the chairman of the Committee of Manufactures of some want of candor in evading the objection of the gentleman from Maryland; he ought to have declared at once what would be the operation of the bill. Mr. O. then recapitulated the statement, which went to make the duty ten cents, and sixty per cent., which he reduced to a rule-of-three statement—if three cents give twenty per cent., what will ten cents give? He summed up the policy of the bill as amounting to this, that the East and the West must co-operate, and the South must submit and contribute. He reprobated this policy, as not calculated for the benefit of the whole Union. He said it was a mere calculation of shillings and pence. The manufacturers in one district said to each other, we have got such and such a capital. If we can levy a contribution on the other States, we may get so much added to it, and this will enable us to get more still. He could not believe that a majority of the people of the United States were disposed to favor capital vested in money at a sacrifice of that which was vested in labor.

On motion of Mr. MCDUFFIE, the Committee rose, and, having obtained leave to sit again, the House adjourned.

TUESDAY, February 17.

Mr. RANKIN, from the Committee on the Public Lands, to whom was referred a letter from the Secretary of the Treasury, of the 22d of January ultimo, in relation to the loss of a sum of money by the Receiver of the Land Office at Vandalia, in the State of Illinois, by the robbery of the bank at that place, made a report adverse to granting any relief to the said Receiver on account of the loss aforesaid; which report was laid on the table.

Mr. RANKIN, from the same committee, to which was referred the amendments proposed by the Senate to the bill of this House, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported the agreement of the committee to the said amendments, with an amendment, and the bill and amendments were ordered to lie on the table.

Mr. Webster, from the Committee on the Judiciary, reported a bill giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida; which bill was read twice, and ordered to be engrossed, and read a third time on Friday next.

Mr. McLane, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of J. Ottramare; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, reported a bill for the relief of Elijah Van Syckel; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, also reported a bill for the relief of Benjamin Desobry; which was read twice, and committed to a Committee of the Whole.

Mr. McKim, from the same committee, reported a bill to extend the right of deposite in public or other storehouses, on certain conditions, and with certain privileges, to other goods besides wines, teas, and distilled spirits; which was read twice, and committed to a Committee of the Whole.

Mr. Cady, from the Committee on Naval Affairs, made a report on the petition of Jonas Duncan, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Andrew Stevenson, by leave of the House, presented a memorial and remonstrance of sundry merchants and other citizens of Richmond and Manchester, against the alteration in the tariff of duties, as contemplated by the bill now pending before this House, to amend the several acts imposing duties on imports.

The resolution yesterday offered by Mr. Tomlinson, in relation to the execution of a resolution for erecting a tomb to General Wooster, was taken up, and agreed to.

The resolution yesterday offered by Mr. Storrs, calling for information relative to the affairs of the Bank of the United States, was taken up and agreed to.

The resolution offered yesterday by Mr. Whittlesey, respecting the expenditure of appropriations for procuring timber for the Navy, was taken up.

In support of this resolution, Mr. Whittlesey called the attention of the House to the several acts providing for the permanent increase of the Navy. No late report had been made to the House of the amount of expenditures under these acts, and what he wished to ascertain was, what portion of those appropriations remain unexpended, in order to be able to decide whether a portion of those unexpended appropriations, if any, could not be diverted to defray the cost of building the sloops of war, for providing which a bill has come to this House from the Senate.

The resolution was then agreed to.

On motion of Mr. Campbell, of Ohio, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for holding an extra session of the district and circuit courts, in the State of Ohio.

The resolution laid on the table yesterday, by Mr. Wright, was taken up, read, and ordered to lie on the table.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill to amend the several acts respecting duties on imports.

The question pending from the last day of sitting, being on the motion of Mr. Brent to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. McDuffie commenced a speech of half an hour, in favor of striking out this clause of the bill, by stating the grave and solemn feelings with which this discussion impressed him, however slight the subject might, at first view, appear. He perfectly agreed, he said, with the honorable Speaker, that, in the legislation of this country, the most scrupulous regard should be had to the general harmony; but he put it to the Speaker whether it was not the introduction of such a bill which was like to disturb that harmony, rather than its discussion, &c. By the course of this discussion, said Mr. McD., we are admonished that this subject does not belong to the Government of the United States. What is the question before us? It is not a question for providing for the common defence and general welfare, or for maintaining the independence of the country. It is not a question which is urged upon us on national grounds at all, but it is a question distinctly arraying against each other the interests of two different sections of the Confederacy. All the arguments by which the proposed duty is supported have been, therefore, and necessarily must be, of a sectional character. When gentlemen are attempting, by legislation, to affect the interests of two sections of the Union relatively to each other, how can they throw upon us the responsibility of that feeling which the discussion may excite? But, Mr. McD. said, however he might feel on the occasion, he would not permit his feelings to enter into the discussion. He should appeal to the judgment, candor, and liberality of the Committee; and, if the impolicy of the proposed tax could not be sustained by argument, on that appeal, he would abandon altogether his opposition to it.

Adverting to the suggestion that the culture of cotton has been brought into existence and sustained by protecting duties, Mr. McD. said, with whatever pleasure he listened to the arguments of gentlemen, and their statements of facts, his patience almost forsook him when this strange position was attempted to be maintained. To tell him that the culture of cotton ever had been protected by the legislation of the Government, was to insult his understanding. Estimating the average value of cotton, where it is grown, at twenty-five cents, the duty on the importation of foreign cotton being three cents per pound, was in fact only twelve and a half per cent. ad valorem, less than the average duty laid on all other objects for the purposes of revenue alone, and could therefore not be regarded, either in intention or in fact, as a protecting duty. The fact was, that, from the moment its culture sprung into existence in this country, it had defied all competition—there never had been a moment in which it would not have defied competition with the cotton of any country on earth. Was cotton raised, in the beginning, for the use of our own manufactories, or for any purpose in which foreign cotton could come in competition with it within the United States? No. From the beginning it had been raised for exportation. The duty did not operate upon the culture of cotton any more effectually than if it did not exist. A bounty on exportation only could afford any protection to the cultivation of it, and he concluded this part of his observations, by repeating that the cotton of the country never has been protected.

But, Mr. McD. continued, the Speaker had laid down a principle in respect to the manufacture of cotton bagging which, in his view, established the impolicy of protecting this article, viz: that it required but simple and unexpensive machinery, and that establishments for the manufacture of it would be of rapid growth; and he had further said, that, if this bill were passed, the Western country would in one year be able to furnish, if necessary, twenty millions of yards of the article. Now, what is the principle on which protecting duties are justified? What is this principle, as assumed by the Speaker himself? What is the principle on which such duties have been heretofore advocated on this floor and everywhere else? It is, that the manufacture proposed to be protected requires large investments of capital, complicated machinery, length of time to bring it to perfection, &c., which causes require protection, to prevent the manufacture from being prostrated in its infancy. In the present case, no such ground was taken. Even the article of cotton fluctuates in price from ten to twenty cents per pound, and so do all other articles which are employed in commerce. But had it ever been the policy of any country, was it the policy of this, to sustain manufactures against fluctuations such as this, to which all the pursuits of life are liable? No; it was extensive, complicated, and costly manufactures, only, which required protection, &c.

Mr. McD. here examined and controverted the argument that the consumer, and not the grower of the cotton, paid the duty on the bagging. The price of cotton depended, he argued, on the competition in foreign markets, and not on the cost of the bagging in which it is baled; if the bagging were to cost a hundred dollars for each bag, it would not raise the price of our cotton abroad, because foreign cotton would, when it began to rise above a certain value, come into successful competition with it. There could be no doubt, he said, that the whole additional cost of the bagging would fall on those who make the cotton.

The argument of the Speaker, that the advantage of this duty would be reciprocal, by the cotton of the South being received in the West in exchange for the bagging, Mr. McD. pronounced to be an illusive calculation, and made some observations to show that the part of the country which he represented was already tributary to Kentucky for her produce, for which his constituents paid in specie, and not in cotton, &c. The tax would be an accommodation of the West wholly at the expense of the South, if it even enabled them to supply the bagging. But, he added, that the South could not take their bagging. The expense of its transportation from Kentucky would be two or three times as great as that of its transportation from Dundee or Inverness, and that alone would give the latter an advantage over the former, unless the duty on importation should amount to an actual prohibition.

It had been already well remarked, that the proposition for this duty introduces a principle into legislation which never existed before here, and which, he ventured to say, had never before been introduced into the legislation of any country on the face of the earth. What is it? The protection of manufactures? No; not the protection, but the creation of manufactures. He called upon gentlemen to show, in the history of the world, an instance in which any nation had passed a law to create a new sort of industry—to give being to what did not already exist. If this was an article of primary necessity, in a national view, or connected with the defence of the country, &c., he would go as far as any one in support of it. But, as a question of political economy, he argued, you can only protect what exists. Here, he said, was an issue between hemp and cotton. What is cotton? A large item in commerce; it has formed, for a number of years, on an average, one-third part of the exports of the country. It is an article of weight, and bulk also, and it had, therefore, contributed one-third of all that our commerce has done to support the naval power of the country. And now Congress were called upon to adopt a system which was to strike from existence that item, and, indeed, every other article of exportation—for, he contended, on the principles of this bill, Congress could not stop until every article of consumption was protected. And what, said he, will be the result? You annihilate the commerce of the United States. The principles of this bill went to an extent never before proposed. In reference to the particular article now under consideration, the House was called upon to jeopardize the great interests of the cotton growing country—to sacrifice an interest which had contributed to the wealth of the Union, and mainly to the growth of the commercial emporium of the United States, upon a miserable calculation of hemp and cotton bagging, which never had any place in the productive commerce of the country. If there was any value in the policy of protection, let it be confined, at least to what exists. Let us hold fast to the sources of our wealth, the means of our revenue, instead of attempting to protect that which has no existence.

After replying to the argument of the Speaker, respecting the effect of competition, and contending that the argument was fatal to this very duty, Mr. McD. called upon gentlemen from those States which have no particular interest in the article under discussion, invoking them, by the highest considerations, to interpose to preserve one interest of this country from being sacrificed to the other. He trusted they would decide upon it justly, and without regard to any principle of compromise. He knew there were some members of the House who were disposed for the protection of existing manufactures, who would not vote for this; and he trusted that a general odium would not be cast on the bill by retaining in it such clauses as this, which do not properly belong to it.

The example of Great Britain had been referred to in debate, as to the policy of protecting domestic manufactures. To the argument afforded by her example, Mr. McD. replied, that, if we look at the population of that country, we shall find that her agriculture will not sustain one-third part of her population. What, then, is the principle on which she protects manufactures? The principle of absolute necessity. Strike away her manufactures, and you annihilate the nation—she is gone—her people have perished. Seven millions of her inhabitants cease to exist, if her manufactures are destroyed. It is with her a question of life and death; and many of the sacrifices she makes are the result of this necessity. Can arguments of this sort apply to us, with our almost unbounded territory, sparse population, &c.?

Mr. McDuffie concluded his observations by saying that he hoped that gentleman who engaged in this discussion would at least treat it with a gravity becoming its importance. The chairman of the Committee of Manufactures and the gentleman from Kentucky on his left (Mr. Trimble) seemed really disposed to make a frolic of this discussion. Mr. McD. entreated them to consider it more gravely, and treat it in a manner more becoming the great interests which were at stake. If the naval power and commerce of the country were to be sacrificed and entombed here, in this bill, he hoped the House would go through the ceremony in a garb becoming the occasion—he trusted that, at least, they would not treat it with insult and mockery.

Mr. Marvin, of New York, rose to add something to the few remarks which he had made on this subject, the other day. He entered into a train of reasoning, which he pursued to some length, to show that the consumer of the cotton, and not the cotton grower, actually pays the duty on the bagging, whether it be consumed abroad or at home—principally in reply to the remarks of Mr. Cobb, made yesterday. Having concluded his remarks on this point, he passed on to others.

In reply to the argument of Mr. McDuffie, that there is no manner in which the cultivation of cotton can be protected by a bounty, he asked, what does this argument admit? That the Southern States possess facilities for the culture of cotton which enables them to compete with the whole world. If this were so, was there not justice in giving this duty for the benefit of those who were so differently situated as to require the interposition of Government?

It had been said that there is at present no reciprocity in the commerce between the Southern and Western States; that the people of the West do not take the cotton of the South, but in fact drain them of their specie, in payment for produce, &c. But, Mr. M. asked, where is the specie acquired by which the people of the South are enabled to pay for the products of the West? It is taken by the people of the South from the people of the North, for their cotton, and the bagging with it. And what becomes of articles manufactured out of this cotton? Why, they find their way over the mountains, and ask for the specie from the West which is received from the people of the South, to whom it is again paid for their raw cotton. And it is thus that every part of this great Republic is made to contribute to the prosperity, strength and durability of the whole.

Referring to the frank proposition of a gentleman from the South to give up the existing duty of cotton, why, Mr. M. asked, was the gentleman so willing to give it up? Is it not because we have establishments in our own country competent to its manufacture without this protection? And is not this, said Mr. M., an argument, and a powerful one, in favor of the doctrine for which we contend? Pass this bill, said Mr. M.—grant this duty; and if in ten years hence any of us should be deliberating within these walls, on a bill analogous to this, and if the people of the West should be called on by the terms of that bill to make the same sacrifice, and were to be told, as an inducement, "You have been aided and assisted by a duty on cotton bagging," they too would be able to say to us, as is now said by the cotton grower, we ask you not for this protection—you may take it off as soon as you please—we can live without it. And they would say truly: for, give but protection long enough to establish their manufacture on a stable foundation, and they would be able to stand without your aid; they would ask you for no protection.

Referring to the feature of the bill which proposes to lay a duty on articles imported equal to the bounty which is laid by foreign Governments on their exportation, he said it was the most important feature of the bill. It was intended to protect our manufacturer against the shrewdness and astuteness of the foreign competitor. If there never had been a duty here on cotton bagging we should never have heard of a bounty in Great Britain, &c. Let us propose what duty we may, he said, the foreign Government stands ready to establish a duty to precisely that amount, and hence the importance of the provision, which was the very life of this bill, to meet such policy, &c.

From the argument of the gentlemen from South Carolina, contrasting the condition of England and the United States, Mr. M. drew an argument in favor of this bill, the policy of which was to plant the manufacturer and agriculturist side by side, and make them mutually beneficial to each other, &c.

It had been said that it was not the policy of this Government to encourage by protecting duties the manufacture of articles on which its existence does not depend, but to encourage such as contribute to its wealth, strength, and greatness. What, Mr. M. asked, constitutes the wealth and strength of a Government, unless it be the strength of the arm of its citizens: and if we are to have that wall of defence around us, the interests of our citizens must be sustained—agriculture must be sustained, manufactures must be sustained, and the country must foster its own resources, and not be made tributary to foreign countries. We are told, that if we pass this bill our commerce is gone, and that it is commerce which contributes to our wealth, strength, and greatness. What is that commerce which contributes to our wealth, strength, and greatness? Is it that which brings to us the result of the labor, skill, and industry of every other nation in the known world? Commerce, in this point of light, is one of those necessary evils which must exist—necessary, because we had better be our own carriers than pay other nations for carrying for us. But it is not that sort of commerce that is emphatically the source of the greatness of a country. No: when manufactures are placed on a firm footing; when the agriculturist and the manufacturer shall enjoy equal rights and privileges—when all the interests of the Government shall have been made to contribute to the strength of the whole—when the intelligence of our legislation, and the prosperity of our country are made to bear some proportion to the excellence of our institutions—it is then that the produce of the skill and industry of our manufacturers will seek its market in foreign climes and bring back to us the wealth which is to constitute our strength and greatness. When we have this commerce, which we cannot have until our manufactures are established so as to compete with other countries, then we can expect to derive from our situation all the advantages naturally belonging to it, &c.

Mr. MERCER, of Virginia, expressed his concurrence in opinion with the gentleman from South Carolina, that this was a very grave subject; which gravity, he thought, had not been tested. He had been very much astonished at the whole course of the debate, in which it appeared to him that the information which ought to be the only foundation of the debate, was wanting—that is, the real value of the article proposed to be taxed, the amount of the tax, and the effect of the tax, as a prohibitory duty; and, if it should have that effect, the competency of the manufactories of the country to supply the demand for the article thus proposed to be prohibited. For this information, he intimated, he had looked in vain to the Chairman of the Committee on Manufactures, or to the several statements prepared for the use of the House. Disappointed in these sources of information, he had endeavored, from others, to arrive as nearly as possible at the truth. Taking the statement of the Speaker, that the value of the article of cotton bagging in Scotland, whence it is now imported, is 15 cents per yard, and that of the Chamber of Commerce, of New York, that the duty of six per cent, per square yard, added to the countervailing duty, would be equivalent to 60 per cent. on the value of the article, with that of the Chairman of the Committee of Manufactures, valuing the article at 17 cents per yard, Mr. M. came to the conclusion that the value of the article, when subjected to duty here, might be computed at 16½ cents per yard, and that the duty proposed by this bill would amount to 66⅔ per cent. ad valorem, being an advance of 46⅔ on the present duty of 20 per cent. ad valorem.

When he came to calculate the amount of this commodity of bagging annually consumed, he made a number of statements and estimates, which, from the number of figures they embrace, we cannot pretend to trace: and, calculating the additional duty proposed upon the bagging necessary to bale this quantity of cotton, he arrived at the amount of tax which this bill would impose on the Southern States, which was of startling amount—say upwards of three hundred thousand dollars.

What, he asked, would be the effect of such a duty? The principles of the gentleman from South Carolina, he said, on this subject, were perfectly sound. But in aid of his arguments, Mr. M. asked, if, in regard to this valuable traffic in cotton, the House was apprized that there are two or three new competitors entering the market of Europe for the supply of this article, of which it is now proposed to tax the exportation? The Constitution of the United States was perhaps too often and unnecessarily introduced into this House: but, he said, in regard to Constitutional law, as well as expediency, we ought, in the execution of the letter of the Constitution, to look to the spirit which dictated it. He said, then, that this House has no right to impose such a duty as this. Does not the Constitution say that no duty shall be imposed on exportation? And what matters it, whether an export duty be laid on the article exported, or on the envelope in which it is enclosed? What should we say, if the Jamaica Legislature were, by a duty on staves, to tax the article exported in the hogsheads, out of which they are composed? Yet this was a parallel case. If such export duties were thus imposed on cotton, Mr. M. went on to argue, the article would be exposed to competition with the product of other countries—at a time, too, when the situation of the country emphatically demanded that the products of our agriculture should be left free to seek a market. Apart from the consideration of expediency, however, he argued that such a duty, operating as a duty on exportation would run counter to the principles of the Constitution, and to every sound exposition of it.

After some other observations as to who actually pays the duty on this article of cotton bagging, Mr. M. said, that no man pretends, at present, at least, that we must exclude all intercourse with the rest of the world, because, at some future period, we may ourselves be able to supply all our wants. With regard to the particular article of bagging, the argument drawn from the reduction of the price of coarse cottons by the prohibitory duty, did not apply. In regard to this manufacture, there were difficulties in the way of it: first, in the growth of the raw material; the gathering it in; making it into tow, the inapplicability of machinery to the spinning of it, &c. Comparing this manufacture with that of cottons, in which a single machine performs the work of four hundred hands, &c., no argument could be drawn from the success of the cotton manufactories to the success of the manufactory of bagging, &c.

But it had been suggested that we are engaged in a competition with Great Britain, and that our spirit of independence, and our pride, ought to induce us to persist in it; and it had been suggested that the British premium on exportation had been introduced to countervail our duty on the importation of this article. As far back, Mr. M. said, as the British colonial system, and that admirable work, Smith's Wealth of Nations, on which he passed a high eulogy, there was a bounty on the exportation from Great Britain of this very commodity, of one and a half cents per yard! It was a part of the system of Great Britain—for what? Not to protect her home trade, but to force her commodities abroad. Gentlemen had said, if we impose any duty whatever, she will countervail it. But, Mr. M. said, she has not done so in regard to our coarse cottons. That nation, he said, has a system of policy, founded on her actual condition and relations, to which she steadily adheres. Would that we had a system of policy equally stable and consistent! But, he said, he would not now enter into the general question of policy. In regard to the particular item now under consideration, the Northern and Western States were called upon to conspire to restrain the trade of the Southern States in a commodity which God and nature had furnished them the means of producing, and of which they ought not to be deprived by legislation, &c.

Mr. M. said, he had no idea of embarrassing this bill, but intended to vote in the integrity of his heart for such parts of it as he believed to be favorable to the interests of the country. He knew that the majority had the power to force this bill upon the nation: he only hoped that they would exercise their power with some regard to the Constitution, to the organic law, to the form of our Government, and to the interests of the country, &c.

Mr. Abbot rose to remove an erroneous idea, that the three cents duty on cotton was applied beneficially to the planter. This was not so. The price he obtained, whether in his own market, that of Europe, or in the Northern factories, was regulated by the value of the cotton alone, and not a cent more was obtained, as he showed, on account of the duty.

Mr. Brent wished to propose to the honorable Speaker one question. That gentleman says we ought to lay this duty, to excite a competition in the United States; but the Committee will immediately perceive that four or five hundred hands are sufficient to make all the bagging that can be consumed in the whole cotton country; and I wish to ask the honorable Speaker, whether it is fair, that the Southern States should be taxed $400,000, to support five hundred Western men?

Mr. Clay rose and said, he would answer the gentleman with pleasure. In the first place, his honorable friend had entirely mistaken his argument. What I said was, that it was desirable there should be a competition, not between American and American, but between the American manufacturer and the Scotch manufacturer. He is equally mistaken in his fact. He said, I believe, in a former speech, that there was but one factory of cotton bagging in all Kentucky.

[Here Mr. Brent explained: that he had said that, in 1822, there was but one, according to the report of the census of manufactures, and that in a languishing condition.]

Yes, continued Mr. Clay, in a most languishing condition, and why? For want of the protection of a parental government. But now there are, I believe, ten, certainly not less than eight, in a single village, in Kentucky. The gentleman is equally mistaken as to the number of hands employed. It is calculated that one able-bodied man can make 1,000 yards of hempen bagging in one year. The largest of the establishments I refer to, has about one hundred hands, and it made 100,000 yards of bagging, and 40,000 yards of baling rope in a year. Here is the datum on which the honorable gentleman can make calculations for himself.

But compare the arguments of the two last gentlemen. One tells us that five hundred hands will make enough of the article to supply the whole of the United States; the other tells us that the whole United States cannot make enough to supply the Southern States. When these gentlemen shall reconcile these two statements, we shall have something more satisfactory to go upon. But, being up, I claim permission to make some reply to arguments adduced by others. The gentleman from South Carolina, who never speaks without illuminating his subject, began, by saying, that the present is purely a sectional question between two portions of the Union, and Congress is called to act as umpire between them. Yet, the gentleman professes to be in favor of some degree of protection being extended to some branches of manufacture. But, if he applies this species of argument to other of the articles enumerated in the bill, it will destroy them each in succession. There is not an article in it that does not principally affect some limited district of the Union. One important article is iron; but that affects only Pennsylvania and New Jersey—(and, I think I heard a faint sound, like asking protection for it, from a part of *Virginia.*) One of the honorable gentlemen presented a petition from Virginia, last year also, and, when this article comes up, he will tell us that this is a question between the United States and Pennsylvania, and we must be umpires; and so with cotton; and so with every other articles in this beneficent bill. We shall have the Union versus Kentucky, the Union versus Pennsylvania, and so on, till every item is destroyed by umpirage.

But my idea is, that the happiness of a nation is the happiness of the several parts that compose it; that the protection of the several parts of a nation, is the protection of the nation.

I did not say that this manufacture required *no* capital or skill, but only *comparatively* none. I know it must have buildings to shelter the hands employed, looms to weave, and implements to spin. But these are all nothing in comparison to what is required in other branches of manufactures. Where slaves are used, the capital is chiefly in slaves and hemp.

The gentleman from Louisiana asks why this manufacture cannot subsist of itself? I'll tell the gentleman. It is because doubly protected and bountied industry can put down industry that has neither bounty nor protection. Britain protects her manufacturer; nay, she is not content with protecting—she superadds to all a bounty to encourage him, and purposely to enable him to prostrate the foreign manufacturer, even in his own market. This is the reason. The honorable gentleman from South Carolina has laid down a proposition to which I assent, but with some qualifications. He says no Government can guard trade against fluctuation. This is true in general; but Government can guard it against all such fluctuations as are the result of legislation in other countries; against such overwhelming fluctuations as are purposely occasioned by the acts of other Governments with a hostile design. We do not ask, we never thought of asking, protection against our own citizens. It is against the foreign manufacturer, protected, encouraged, aided, bountied, by a foreign Government. A steady market is equally desirable to the maker and the consumer of the article. With this, the manufacturer can make some sort of calculation to guide him; but not if he is to guard against the acts of the whole universe of hostile Governments. It is only within the circle of our own glorious Republic that he asks or seeks to have his market made secure; and to this extent his request can be granted him. Cotton growers have had to pay fifty and sixty cents a yard for bagging. Now, from a Charleston price current, it appears the price is twenty and twenty-two. Are not such appalling fluctuations as this, produced by the cupidity of foreign monopolists, to be deprecated alike by planter and manufacturer?

Mr. CLAY said the question before Congress was whether the country shall submit to a Scotch monopoly, or shall raise up an American competition? Surely the cotton growers would be the better for having two instead of one to supply them. He would put a case. Supposing one American manufacturer, or one village or town, had, till now, enjoyed the undisturbed monopoly of this article, (sometimes raising it on the planter to sixty cents a yard,) and it was now proposed to admit some other town into the trade for competition; would not Southern gentlemen listen to the proposal! Would they not hail it with joy? and will they be indifferent to it because the new competitor is in America and the old in Dundee? Or, can it be that gentlemen will be indifferent because the competitor resides in the West?

But, surely, Louisiana was the last that should complain. Cotton bagging goes from Kentucky to that State almost free of all expense for transportation. While Louisiana pays one cent or a cent and a half, Augusta pays four or five cents for transportation, besides the expense of two commission establishments, one in New Orleans and the other at Savannah. Yet, the gentleman from Louisiana continues his attacks upon the bill with a perseverance which plainly shows that, when his constituents chose him, they knew whom they were sending.

I have heard one most extraordinary species of argument used in reply to those urged from the bounty on sugar. It is that the *quo animo* with which a duty was laid, is to be considered, rather than its actual operation in practice. Sir, what have we to do with the motives of the laws? We have only to inquire, what is the law, and how does it operate?

We have been told that Egypt, that South America, that the West Indies, and Asia, are all beginning to cultivate this plant, (a plant that seems designed by Providence to furnish the clothing of the whole human race.) And so, too, are Virginia and even Illinois—for nature herself is violated by the necessities of suffering industry.

As to the gentleman from Virginia, he is answered by the gentleman from Louisiana. He seems to have complained that certain statements were not laid before the House by the gentleman who introduced this bill; but it was equally the duty of every gentleman to search for information, and to lay it before the House for general advantage. The gentleman from Virginia has done this. But, after all his calculations, the fact will turn out to be, that there are about four millions of yards of bagging consumed annually in the United States. Is it not important to put in motion all the active industry necessary to manufacture this amount, and to provide the materials for its fabrication? It seems to have come to this, that the Southern district of the Union is to separate itself from all the rest, and unite itself with Inverness and Dundee! that the prosperity or distress of Inverness and Dundee are to be the prosperity or distress of the Southern States of this Union. Sir, is it not better that the manufacturers, with whom our brethren are to be so closely united, should reside in the Union, than out of it?

Mr. C. then went into an argument illustrative of the general nature of trade, which always moves in a circle, and showed that the trade between the Western and Southern States, was mutually advantageous, it formed (especially as soon to be promoted by internal improvements) part of the great home system which would build up the strength and prosperity of the Union.

He next replied to the gentleman from Virginia, (Mr. MERCER,) who still persists to say that the duty will be, in effect, ten cents on the running yard. I ask him, said Mr. C., whether the three cents allowed by England as a bounty, and met by a countervailing duty on our part, is not honestly to be deducted—for, what does it avail for protection that we lay three cents if England meet this by a bounty to the same amount—our protection is so far neutralized;—it is, therefore, only what is laid over and above this bounty, that can operate as any protection—this on the square yard is by this bill made six cents, but the running yard being six inches wider, it will be exactly seven cents on that yard.

Mr. **Cambreleng** observed, that the present item rested on the same principles as the whole bill, and afforded a proper opportunity for the discussion of them, and as the Speaker had taken that course, and had gone into the general policy of the bill, though it would be better at once to take up the general discussion; and being desirous of expressing his views somewhat at large upon it, moved that the Committee rise, but waived the motion at the request of—

Mr. **Mercer**, who replied to Mr. **Clay**, and defended the accuracy of the calculations he had before advanced. The whole duty would amount to 66⅓ per cent. The present duty was laid when the British bounty already existed, and therefore it was perfectly fair to estimate the proposed increase as relating to the previous duty, on which it was an advance of 46⅓ per cent. The argument against the duty was rather fortified than weakened by what the Speaker had advanced respecting the British policy; if, through an error in that policy, we were enabled to obtain an article cheaper, shall we not avail ourselves of the advantage? He repelled the assertion, that he and the gentleman from Louisiana, were at war with each other's statements, &c. The commodity taxed, in this case, is but the wrapper to another commodity, the price of which is fifteen cents—while it costs at home thirty cents a yard, in Europe it was useless unless to send to the paper mill. The wrapper was never valued at all.

The honorable Speaker counselled the House to union. That is, virtually, to submit to the whole bill; and he seemed very desirous to strike out the first section, in order to go into the general argument. The gentleman from New York also seemed to participate in this anxiety; but, said Mr. M., what is the tariff? What degree or description of knowledge, I will not ask, does it, but rather does it not, require? A knowledge of the whole globe, of geographical and statistical details, of every variety and extent—a knowledge of the laws of every foreign State—of the policy of every foreign Government—the commercial history of our own country, and from the very earliest periods, and the rise and progress of every different branch of its trade—without knowledge like this, we must legislate in the dark. It is, above all, necessary to know how every part of our present revenue arises, and the competency of the country for each particular branch of manufacture. He would ask, whether it was contemplated that the whole system of encouragement should go into operation at once? And, if it did, whether it would not produce an immediate rise in the price of labor? He went into an argument to show, that the effect of the bill would be injurious rather than beneficial to the West. He remarked on the difference between Russian and American hemp, and contended that the former could not be excluded by the duty proposed to be laid on it. He defended the justice of the complaints against a bill which went to increase the poverty of the poor, and to increase the wealth of the rich—to beggar the country from which he and his companions in opposition came. Was it to be wondered at, that they should resist and complain?

As to increasing the home demand for agricultural products, if all the manufacturers of England were brought here, it would but little affect the price, except in their own immediate neighborhood, and there it would only convert grain fields into gardens for pulse. He compared the objection of the Speaker to that of a soldier, who, having taken a captive, and being offered a reward for the number of heads he should bring into camp, complained of the impediment of the captive's cravat, and asked him to take it off, that he might cut his head off with greater convenience. He compared the precipitancy of our legislation, on fiscal subjects, with the great caution of the British House of Commons, where committees, both of merchants and manufacturers, were always heard at the bar before the least alteration was made in a single tax that was to affect commerce or manufactures. All that its opponents could hope, was, to mitigate the harshness of the bill; but he was glad that it did not divide the whole country by one great geographical line; he was happy to find some of the members from New England coming forward to aid their brethren in the South; it would prevent much of that alienation of affection, which might otherwise take place.

He doubted whether the bill was not against at least the spirit of the Constitution. That instrument expressly forbade a tax upon exports. No nation had ventured to tax them but England, and even she went no farther than a certain amount. If the Southern States were afflicted by the visitation of Heaven; if the fly ruined their grain, or bad weather blighted their crops of cotton, they bowed with submission; but it was not to be expected they should submit, in the same spirit, to injuries from the hand of Government, when the laws of their country were turned against them. When Hamilton first proposed the system of domestic manufactures, it was done to soothe the country under the new system of commercial taxation, not to irritate and exasperate it. The bounty imposed by Britain on this article was laid sixty years ago for the benefit of her navy, and not as a counteracting duty. It was natural the people should be more attached to their State governments than the General Government. They are the nearest to the people; most conversant with their immediate interests. They give us our early education, and conciliate to themselves our first political attachments. Let us not do any thing to place the General Government at a greater distance from the affections of the people.

Mr. M. concluded, by saying he was too well assured that he could not stop the progress of the measure one moment, (unless, indeed, the moment be occupied in speaking,) and he desired to see manufactures prosperous and suitably encouraged; but that was only done by guarding them against intrusions and forcible interruption. That was the only kind of protection they needed.

Mr. **BRENT** made a few further observations in reply to the Speaker. If the high price asked by the Dundee manufacturers had brought the factories of Kentucky into operation again, and they had been able to reduce the price of cotton bagging from sixty to twenty-five or thirty cents; this was proof that they needed no protection. Why did they not go on? Here was the competition the Speaker desired to see. He then went into a calculation to show that one good hand (not a little negro boy) could make 16½ yards of coarse tow cloth per day; and, allowing for the greater ease of making bagging, could make 25 yards of the latter, which would give 7,875 yards in a year; at which rate the four millions of yards used might be made by 500 hands, and he again asked if Congress would tax the cotton-growing country $400,000, to support 500 Kentucky laborers?

Mr. **BUCHANAN** disclaimed the principles advanced by the gentleman from Virginia, (Mr. MERCER,) he was in favor of the general system proposed by the bill—it was the settled policy of this country—we had advanced from one tariff to another on that principle, and we now had a third, but we should advance with cautious steps, and not injure the kindred interests of agriculture and commerce. He entirely agreed with the honorable Speaker in the sentiments avowed in the close of his speech; there must be a system of mutual concession—we must agree to give and take. He was equally opposed to both extremes proposed; one party said, strike out the duty altogether; to this he could not consent—he would indeed rejoice to see trade perfectly unshackled; but, while other countries surrounded it with protecting restrictions, we must do so too in self-defence. Another party were for raising the duty from twenty to forty per cent.; he thought this too much; we must have some regard to revenue. He was for pursuing a middle course, which, though it might not at once drive the Dundee manufacturer out of the market, would give life and vigor to our own factories, and enable them to compete with him.

Mr. B. then moved to strike out 6, and insert 2½ cents per square yard. This he hoped would meet the wishes of both parties: as to the general discussion of the principles of the bill, he hoped it would not be gone into; he had derived more instruction from hearing the details of the bill discussed thus far, than he should have done from listening for a month to long sermons on political economy.

Mr. **CAMBRELENG** observed, in reply, that he had no inclination to deliver what the honorable gentleman was pleased to call a sermon on political economy; but he must say, that he had listened to many a long speech in the present discussion, which was not on the bill at all; for, if he understood the bill, and the honorable Speaker and the Chairman of the Committee understood it, the gentleman last up certainly did not understand it.

Mr. **BRENT** expressed the idea that the whole bill, if intended not for protection, but for revenue, was out of order; for then it could not properly be reported by the Committee on Manufactures, but ought to have come from the Committee of Ways and Means. If the question on his motion to strike out could not be put, a question on the passage of the bill itself must be equally out of order.

Mr. **BUCHANAN** then rose and said, that, in compliance with the request of his friends, rather than the dictates of his own judgment, he consented to withdraw his amendment.

Mr. **MCDUFFIE** rose, in reply to the SPEAKER. He agreed with him, that the principle on which the details of the bill must be settled, was a principle of compromise; but he did not see how the principle applied. The Speaker said that the South asks every thing and gives nothing. Sir, said Mr. McD., we ask nothing—but to be let alone. I defy the gentleman to show any one thing we have asked from this Government, but military protection. Here is a tax proposed upon us of $250,000 a year, not for the benefit of the Union, but of a small portion of it only. The Speaker says that, if this item cannot be assented to, the whole bill must be rejected at once. I cannot perceive the correctness of this conclusion. Hemp requires less protection than almost any other article; its cultivation requires little either of capital or machinery, and, if this must be protected, the argument will go to every article of human consumption.

Mr. **CUTHBERT**, of Georgia, thought that the motion for rising ought to prevail. The Speaker, while professing to discuss one of the items of the bill, had gone into the whole question, and had brought to bear upon it the whole weight of his eloquence. He had even gone into a justification of the policy of Britain, in her bounty laws—as if this youthful and happy country was to be bound by the policy of the old Governments of Europe, so differently situated. The honorable Speaker had urged the doctrines he advanced with that daring boldness which belongs to him. But, Mr. C. hoped, the market for the cotton of the South was not about to be contracted within a little miserable sphere, instead of being spread throughout the whole world. If they should drive the cotton growers from the only source from whence their means were derived, they would be unable to take any longer their supplies from the West—they must contract their concerns within their own sphere, and begin to raise flesh and grain for their own consumption. The South was already under a severe pressure; if this measure went into effect, its distress would be consummated. Such were the effects of the attempts of man, vain man, to counteract the arrangements of the God of Nature, and by oppressive legislation to deprive his fellow-man of the free and unshackled exercise of the energies of his being.

Mr. **CAMBRELENG** now renewed his motion for the Committee to rise, and the Committee rose; and, having obtained leave to sit again, the House adjourned.

Wednesday, February 18.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, to which the subject has been referred, by resolution, reported a bill to authorize the legal representatives of the Marquis De Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, made a report on the petition of Hugh McCullough, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, to which was referred the petition of George Eichelburger and Frederick Eichelburger, and of certain distillers in King's county, in the State of New York, reported a bill for the relief of certain distillers in the United States; which was read twice, and committed to a Committee of the Whole.

Mr. McLane also reported a bill for the relief of John Wilmot; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McCoy from the Committee of Claims, made a report on the petition of Robert Strain, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act to authorize the President of the United States to cause to be made a military road from a point opposite to Fort St. Philip, to Johnston's plantation, as an auxiliary to the defence of New Orleans, reported the same without amendment; and it was committed to a Committee of the Whole.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," and the amendment reported by the Committee on the Public Lands to the said amendments was read and concurred in by the House.

A motion was then made by Mr. Rankin further to amend the said amendments of the Senate, by striking out so much thereof as proposed to insert a fourth section to the said bill. This motion was disagreed to by the House, and the amendments were then concurred in, amended as aforesaid.

The Speaker laid before the House a letter from the Secretary of the Navy, transmitting a statement of the appropriations and expenditures for the naval service for the year 1823, showing the expenditures under each head, since the 1st of January, 1824, and the unexpended balances on the 1st of February, 1824; which letter and statements were laid on the table.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill to amend the several acts respecting duties on imports.

The question pending from the last day of sitting, being on the motion of Mr. Brent to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. Cambreleng, of New York, rose. He said it was quite unnecessary to move to strike out the enacting clause of the bill. The motion now pending involved every principle which could be urged in favor of that portion of the bill designed to impose prohibitory or protecting duties. It was not material whether the motion was to strike out one article or fifty—the arguments were similar—the fate of this motion strikes at the principles of the bill as a measure of protection. It matters not what may be the particular condition of any manufacture. The design of this measure is to prohibit the importation of our manufactured supplies—to confer on our own capitalists the exclusive privilege of supplying the country—to extinguish the revenue now derived from these manufactures, and to supply the deficiency by augmenting the duties upon other importations. This is the character of the measure, and these are the principles avowed by the chairman of the Committee on Manufactures.

In the progress of our free Government, said Mr. C., it would be well, occasionally, to revert to the principles upon which it was originally founded. The time is seasonable, and while we are agitating this grave question about the peculiar forms of party, it would be well to attend something to the principles of the Government, according to which, our national affairs are hereafter to be administered. No occasion can be more proper for the inquiry—no question can agitate principles more profound. We may differ about our measures of defence—we may cling with devotion to our remnant of State rights; but the measure now proposed involves the rights of freemen—the principles of civil liberty. It is not this or that section, which alone is interested. The question extends wherever free government is valued and understood—to the North, the South, the East, and the West—the gallant West, where I trust, said Mr. C., the principles of civil liberty will remain imperishable as its glory. Should we sanction by our acts the principles now advocated, we should adopt a scheme of government hostile to the spirit of our institutions, and we shall probably not long have occasion to discriminate between forms of government; for, whilst the generous impulses of chivalry may be tempting us abroad to emancipate the world, passions less pure and elevated will be secretly undermining the foundations of our own Constitutional liberty.

The gentleman from Pennsylvania (Mr. Buchanan) for whose judgment, said Mr. C., I have a high respect, supposes that we are acting upon a measure framed according to ancient usage—that we are graduating the scale of encouragement to our manufactures, and moderately augmenting our imposts—that we are still keeping in view the aggregate interests of our country and our revenue;

and such is the character of the measure which was anticipated by the community. But such a measure was never contemplated by the Committee on Manufactures, nor is any such measure now advocated by the chairman of the committee. The character of the measure now proposed is prohibitory. The system contemplated, is to be fashioned after the British model—the bill is framed for the avowed purpose of granting to our capitalists the exclusive privilege of supplying our country with manufactures to the value of millions. Upon this question there is no middle ground. The gentlemen from the West are correct in contending for some reciprocity of these privileges. If the capital of the East is to be employed, so must that of the West. The whole is a scheme of balanced privileges to capital, to borrow an expression—"cutting society horizontally." You must take the whole of it to perfect it. Whatever may be the policy of a system, so long rejected by intelligence, and however feasible the balancing these privileges between the agricultural, manufacturing, and commercial interests, may have been in England, the scheme is utterly impracticable here; legislative privileges, designed, as they must ever be in the aggregate, to give capital employment, must be enjoyed almost exclusively in that section of the country where it is most abundant; it is impossible to execute here any plan of balanced legislation which can diffuse its influence, whatever it may be, equally and justly in the agricultural portions of our country. Even the West must at all times share little advantage from any such legislative compromise. Its operation must always be in our country unequal and unjust; throwing entirely out of view its weight upon the community.

The honorable Speaker has defied us to show a manufacture or a branch of industry, which has flourished without legislative protection. This cannot be a difficult task, when we see industry springing up in every country, and flourishing too, through causes altogether independent of legislation. But, sir, what has been the history of the very manufacture distinguished by that gentleman's attention—I mean, said Mr. C., the cotton manufacture in England. It was virtually prohibited by the act of 1721—it was persecuted for more than fifty years—because the raw material was not a production of the country, and (very probably) through the avarice of the linen manufacturers, who have always enjoyed the special favor and protection of Parliament. But these persecutions, driving genius to its expedients, produced the labor-saving machine. I refer it to the sagacity of speculative philosophy to establish, whether the bounty of Parliament did most injury to the linen, or its persecutions most benefit to the cotton manufacture. Since this discovery, Parliament has done nothing more than accelerate a revolution in industry, which, through the agency of Mr. Arkwright's invention, would have been gradually but inevitably effected, and in a manner more salutary to the aggregate interests of England, and less injurious to previously existing and ancient establishments.

Much reliance appears to have been placed upon the feeble influence of our laws. We attribute to our act of 1816, what had been previously effected during a long period of restriction and war, when capital, having no employment in commerce, was employed by the labor-saving machine. We are told the price has been diminished since the peace, and so has the value of almost every other manufacture—it is the inevitable consequence of peace.

The honorable Speaker need not trouble himself about the "*quo animo*" of the act imposing a duty upon cotton. Its cultivation was inevitable, with or without our law; it was the labor saving machine operating, not only directly, but indirectly upon, and giving an impulse to, the industry of the world; the cause of the cultivation of the cotton of the South lies deeper than the surface of our statute book.

But, we are told, our manufacturers are "crying out to us for protection." This, sir, is not a question about Leghorn bonnets and our other interests of minor importance. Gentlemen would find less difficulty with measures of that character. The origin of the measure proposed, lies in another direction; the question was raised and is persisted in by a portion of our most wealthy manufacturers. If gentlemen will take the trouble to examine the memorials, they will find, among those most prominent in "crying out for protection," the name of Mr. Slater, a very respectable Englishman: one of the oldest and most wealthy manufacturers in the country—one who has enjoyed a very large portion of this legislative protection; but who appears to be still unsatisfied, and, in his memorial, strenuously recommends to us the policy of his native country; although his countrymen, after two centuries experience, pronounce it to be a "system of error or a system of abuse."

But, to the question. What, in the aggregate, is the measure proposed? To prohibit the importation of manufactures and other articles to the value of about thirty millions of dollars. It is true that we are told that a certain portion, but that small, will not be prohibited for some time to come. The bill is admirably framed to accomplish the object in view, which is, as we have been very frankly told by the Chairman of the Committee, to restore our country to that state of unparalleled prosperity it enjoyed during the late war—the only period when, as he says, our manufactures were efficiently protected.

Is not this an undisguised war upon the commerce of our country?

Suppose the Government of Great Britain had, by an Order in Council, threatened thus suddenly to destroy the employments of our mariners, to disturb an existing channel of our industry, and force its capital into manufactures—a measure, in its operation, precisely similar to that now proposed. We should promptly resist it, not only as violating our national rights, but as injuring the aggregate interests of our country. And yet, when we are called upon to perform a corresponding act upon ourselves, we are very gravely told it is salutary and wise.

It is not necessary to advert to the practices of other Governments, nor to indulge in abstract reasoning. The industry of every country must be regulated and protected according to the circumstances and condition of the country. There is nothing in our condition to require that we should, at this late day, search the dusty records of France and England, to mould our laws in absurd conformity to their ancient statutes—nothing to induce us to imitate the venerable follies of every age and every country. There is neither wisdom, honor, nor profit, in a countervailing war of permanent monopolies.

The prosperity of nations depends on their natural advantages, and their constitutional security of property and right. Measures, violating either the one or the other, injure the aggregate interests of the country. Such is the character of the measure now proposed. The manufacturing capital of a nation is formed through the silent and compound accumulations of trade and navigation. When these channels are permitted to contribute their accumulations in a natural way, the three branches flourish together. Such is the actual condition of things in New England, which is, and must continue to be, in defiance of all our laws, the manufacturing district of this country. We may, by our measures, accelerate the transfer of capital from trade and navigation into the channel of manufactures; but we shall not thereby employ the most salutary means of enlarging our manufacturing industry, while we shall essentially injure other and important interests.

There is nothing in the condition of our country calling for such a measure. It is true that in some portions there is distress; but gentlemen have mistaken the remedy. The measure proposed will contribute no relief to the interior: the capital to be employed in these new manufactures is already gathered in the East; and, wherever that accumulation exists, there must be the theatre of the operation of this measure. But the causes of the distress of the interior have also been mistaken. They are, in some measure, incidental to every new country; but they are also to be attributed to errors in legislation—not here, but elsewhere. Wherever laws agitate the security of property and right, confidence is annihilated, industry cannot flourish.

We cannot view the industry of our country in the aggregate, nor contemplate its astonishing march during the last forty years, without feeling satisfied of the wonderful influence of constitutional government upon the industry of nations. It is to this great cause, and not to any of our ingenious regulations, that our rapid national growth is to be attributed. In superintending the operations of industry in a country like ours, embracing every climate, every production, every art, and every science, we should cautiously abstain from any legislative act calculated to agitate its movements, lest we should arrest a wheel or disturb the harmony of so magnificent a work.

But, continued Mr C., we are told that all branches of industry have an equal claim to protection—that our Southern agricultural interest and our commercial interest, have shared the peculiar favor and protection of Government, while our manufacturing interest has been neglected, and we are now called upon to legislate on the basis of reciprocity.

Although this argument has been urged with invincible gravity, yet, as it regards our agricultural interest, it cannot be deemed worthy a serious reply. Our agricultural interest, in no section of our country, has ever been the subject of this sort of legislative protection. Whatever may have been the speculations of our legislators, our farmers have generally pursued their labors, without being conscious of any advantages derived incidentally from our laws, and certainly without having solicited any such protection.

It is true we have a Committee on Agriculture; but our Committee on Manufactures, while it keeps in motion its wheels and trip-hammers, has kindly condescended to superintend our ploughs and sheep-folds. While other committees are furnished with spacious chambers, the very respectable representatives of our great agricultural interest are consigned to one of the most cheerless cells in this vast labyrinth. Indeed, were it not for a remnant of respect, which we still profess for our agricultural interest, and a scrupulous regard for Parliamentary forms, we might as well abolish the committee. The revenue now proposed professes to favor our Northern and Western agriculture; but before our farmers accept of this protection, it would be well to mark the dexterity of the compromise. The bill proposes to impose additional duties, but not prohibitory, on agricultural productions, to the value of little more than a million of dollars, while it embraces heavy duties, amounting to prohibition, on manufactures required for agricultural use, to the value of about twenty-six millions of dollars. Before the agricultural interest of this country engages in this compact of balanced monopolies, it would be well to refer to the termination of a similar concern in England, where agriculture is prostrated, while manufactures enjoy all the advantages of this legislative compromise.

We are, however, informed, that our commerce is the offspring of legislative bounty and protection. I shall pass over, said Mr. C., less important regulations, to reach those which have been deemed most essential in protecting our navigation—the coasting trade and discriminating duty.

Our ship owners, we are told, have enjoyed a *monopoly* of our coasting trade.

Now, I would ask, what sort of a monopoly this can be to the ship owners of a nation, whose commerce has always, even in the remotest quarters of the globe, driven British commerce out of its accustomed channels, wherever navigation was free to both nations? A monopoly of our own coasting trade three thousand miles from competition! Had this been the only motive for such a regulation, it would have been the very mockery of legislation. But there was another, infinitely wiser—and one which will probably perpetuate the regulation. It was very naturally supposed, that if foreign ships were employed on our coast, it would more probably be for illicit purposes, than under any expectation of profit in fair competition with an active and more skilful rival. The regulation was necessary to guard our revenue from fraud, and it is presumed to be so still.

But we come now to that mighty foundation of American commerce, the discriminating duty. What was it? An additional duty on merchandise imported in foreign ships of ten per centum, not on the value of the merchandise, but on the amount of the duty. And here let me call the attention of gentlemen to the period when this regulation was adopted—at that time the average rate of duties was not equal to ten per centum ad valorem. Supposing it ten per centum, the discriminating duty would be one per centum on the value of the merchandise. And yet we are now gravely told, that this discriminating duty laid the foundations of our commercial prosperity.

This is the opinion of gentlemen, for whom, said Mr. C., I have a high respect; but I attribute it to other causes than the influence of legislation.

It is, perhaps, travelling a little out of the regular course of argument, to trace the history of our commerce; but I am anxious that the New Bedford memorialists should know what kind of protection the industry of their ancestors enjoyed, and to furnish the honorable Speaker with another evidence, that industry can spring up and flourish, not only without legislative protection, but in defiance of its hostility.

What, sir, was American commerce, before this Government, with all its laws, was in existence?

We have upon record the authority of a celebrated man—of one who was an eloquent advocate of natural rights, till, startled by the spectre of the French revolution, he sought shelter under the shadow of the throne. We must all recollect the portrait of our ancestors by the masterly pencil of Mr. Burke. Struck with admiration at their enterprising labors, he exclaimed, "Whilst we 'follow them among tumbling mountains of ice, 'and see them penetrating the deepest frozen recesses of the North—whilst we are looking for them 'beneath the arctic circle—we hear that they have 'pierced into the opposite region of polar cold—that 'they are at the antipodes, and engaged under the 'frozen serpent of the South."

Such were our ancestors, before the Revolution—bold, hardy, and enterprising—distancing, as we are told, the "perseverance of Holland, the activity of France and the dexterous and firm sagacity of English enterprise." Was this the effect of legislative protection? No, sir; we are also told that the "colonies, in general, owed little or nothing 'to any care of Parliament—that they had not been 'squeezed into that happy form by the constraints 'of watchful and suspicious government; but that, 'through a wise and salutary neglect, a generous 'nature had been suffered to take her own way to 'perfection." But the colonies were not merely neglected—they were cramped and restricted by Parliament, by measures of a character similar to that proposed by the Committee on Manufactures.

The Revolution, for a time, turned the bold and enterprising spirit of our ancestors into a more glorious direction—from warring with the elements, they turned to grapple with oppression. But our wars once over—our colonial restrictions brushed away—our Union settled, as I trust, on eternal foundations—our mariners, free as the winds, were once more the heralds of older nations in desolate regions. All our restrictions and wars since have been unable to arrest the impetuous march of our commerce to that point of elevation and grandeur towards which a "generous nature" and an emancipated people irresistibly impelled it. Let us not dupe our understandings by attributing our commerce to a few harmless custom regulations.

The mariners of this country fear no competition. They ask no tax for their support. As to the bounty to our fishermen, whenever Government may deem it expedient to take off the duty upon salt, they may abolish the drawback. As to the discriminating duty, it is already practically abolished.

But gentlemen may consider all our navigation laws as protecting to our commerce. If they require only reciprocal justice, the measure is already more than full. The existing rates of duty operate as incidental encouragement to our manufactures, and are more than equal to any advantage commerce ever enjoyed.

But, continued Mr. C., I have now to consider the most important objections to the adoption of the principles advocated by the chairman of the Committee on Manufactures. How will they operate upon our revenue system?

There was a time, sir, when we supposed that in imposing duties on imports, our main object was revenue—a time when our manufacturers were satisfied with the incidental encouragement derived from our taxation. But the war unsettled many of our ancient and salutary rules. We are no longer to guard our Treasury. We established, in 1820, a Committee on Manufactures, which now calls upon us to abandon the principle of all former revisions of our tariff, and to impose duties for the purpose of prohibiting importations and extinguishing revenue. Before we abandon our old-fashioned revenue doctrine, let us inquire what effect the measure proposed will produce on our Treasury.

The object of the committee, as stated by the chairman, is to prohibit manufactures immediately, in most cases; ultimately, in others. It matters not whether the measure operates at once, or ten years hence. Whenever we cease to import the articles designed to be restricted or prohibited, we must inevitably cease to collect the revenue upon them. It may be, sir, that the anticipations of the committee will not be realized; that, notwithstanding these enormous duties, the urgent necessities of the country will still be supplied from abroad; but, in that case, the measure is useless—we augment our taxes without accomplishing the object in view. In arguing this question, however, we must presume that the purpose of the committee will be accomplished, and the articles prohibited. According to a statement which I have prepared, said Mr. C., from Treasury documents, it appears that manufactures designed to be protected by prohibitory duties, yielded, in the year ending 30th September last, a revenue of $7,327,256; that other articles, partially manufactured, or forming raw materials for manufactures, yielded, in the same year, $913,969, and that the agricultural articles yielded $278,736—making, altogether, $8,529,961 of revenue.

It is evident that, if the purposes of the committee be accomplished, a very considerable portion of this revenue must be extinguished. In any event, our revenue system will be seriously injured by the measure.

Are we in a condition to tamper with our revenue? The present crisis is a peculiar one in the history of our country. In our prospective speculations, we cannot be too sensible how much depends on the political events of a few months, whether we look at home or abroad. On these hang the question of peace or war—of diminished or increased expenditure. But, whether we have peace or war, we are not at liberty to tamper with our revenue. Let us suppose that, notwithstanding the present threatening appearances of war, we are destined to be saved from its heavy expenditures and calamities; that we are to be governed by the wise councils of a pacific Administration, consulting rather the happiness and best interests of our country than the gratification of a warlike or projecting ambition. Let us suppose that we are to realize fifteen years of peace, and (what would be a miracle in the history of government,) that we are to extinguish our public debt. Have gentlemen considered that, in that case, it would become our first duty to relieve the people from their taxes? If we believe that such will be the result, ought we not cautiously to avoid any augmentation of our imposts? I trust that our expenditure may not be permitted to keep pace with our revenue, and that we may, in a few years, pay off a large portion of our public debt, and diminish our taxes.

But these are rather the speculations of hope, than the result of sober calculation, and should not be depended upon by statesmen. We have a striking instance of the error of such speculations. In February, 1792, Mr. Pitt congratulated the nation on its general prosperity; the state of the finances; the prospect of a long peace; and calculated upon a reduction of the public debt and expenditure. Little did that statesman anticipate, that, in February, 1793, the twenty-three years' war would commence—a war which shook the foundations of the Christian world. Little did he think, that, in thirty years, the expenditure would be augmented from sixteen to fifty millions sterling, and that the national debt would be trebled. All this, however, happened. And, may it not be fairly attributed in some measure, to an unnecessary interference with the affairs of other nations?

I trust, said Mr. C., our history may not furnish, in the next thirty years, a parallel case; but when I see gentlemen strenuously advocating measures extravagant and magnificent, and, at the same time, threatening to destroy our existing revenue system, I am not without apprehensions. Whence do we expect to draw our fifty millions for internal improvements, and our hundred millions for South American subsidies?

But, whether we embark in these schemes or not, our revenue ought not to be tampered with. It must be evident to all, that, without the accelerating touch of our Committee on Manufactures, the natural growth of our domestic industry must annually diminish our sources of revenue. Our existing revenue will probably, for many years to come, be sufficient to meet our expenditures, and to enable us gradually to extinguish our debt; but, we should recollect that our expenditure, (as it happens in every country,) advances with our revenue. It was less than two millions thirty years ago. That of the present year will exceed ten millions—in both cases excluding the interest on our public debt. During the last five years our income has very little exceeded our expenditure. We have now a surplus of $6,466,969, but there is due the Sinking Fund $11,921,604; our estimated revenue for the present year falls short of the receipts of the past near two millions of dollars, and the next year commences the payment of sixty-five millions of debt contracted during the war. I would again ask, whether this is a time to tamper with our revenue?

I am not disposed, said Mr. C., to excite idle alarms about our national debt, nor, should peace continue, do I doubt our ability to extinguish it, and, at the same time, to support, with judicious liberality and wise economy, our existing establishments; but, nevertheless, I cannot avoid a reference to the experience of England, when I reflect that our debt, which we had, in 1812, reduced to $45,000,000, has remained almost stationary for five years, and that it now amounts to about $96,000,000, including our Florida purchase. We should advert to that singular political fact, that the national debt of England has accumulated since 1689—it was then little more than £300,000. It is the office of wisdom to mark, on this political thermometer, the degrees by which taxation has rapidly mounted; and, at this early period in our history, at least to avoid any unnecessary experiments on our revenue. If we are, indeed, legislating for posterity, let us employ our existing revenue in extinguishing our debt, lest another war should add one or two hundred millions to it. Let us not lose an immediate and positive advantage in pursuing a remote speculation, liable at best to all the vicissitudes of the natural, moral, and political world.

But, if gentlemen are determined to execute this ingenious scheme for more rapidly extinguishing our existing revenue system, I trust they are prepared with a substitute of some kind. It would be well, in adopting the proposed measure, to throw a cautious and suspicious glance ahead, lest that licensed robber, the exciseman, should rush unexpectedly upon us; for, however acceptable his presence might be to some of us, upon conditions, I apprehend it would not be acceptable to the American people upon any conditions. The time may come when we may be compelled to resort to a system of internal taxation; when it arrives, I shall not shrink from my duty; but I have no desire to accelerate it. Our existing revenue system answers all our federal purposes—let us preserve it. Let us leave all our sources of internal taxation to the use of our State governments, whose necessities are annually increasing, and where they will be required for that very useful branch of expenditure, internal improvement.

I shall now, said Mr. C., notice the practical operation of the principles advocated by the chairman of the committee, upon property and right, as they are exhibited in the measure proposed. In considering the mere expediency of the measure, waiving the character of our Confederacy, I have presumed our internal to be as extensive as our external powers. I have met gentlemen on the broadest national ground, and clothed them with every attribute of sovereignty. But, in touching the points of property and right, we must claim the protection of our Federal Constitution. In applying the principles of our charter to this or any other measure, I shall not refine them into almost invisible webs, not strong enough to bind society together, nor shall I enlarge them to monstrous dimensions, crushing or annihilating every power with which they come in collision. I shall argue in the spirit of our Constitution, according to the maxim of that invincible advocate of colonial rights—the eloquent Chatham, who says, that "in questions of liberty and property, he was apt to distrust the refinements of learning:" he generally "consulted, and was determined by the dictates of common sense." A guide more sure and penetrating, in such questions, than all the grave conclusions of profound and abstract science; one that cannot be deceived by our modern art of clothing an unconstitutional purpose in a Constitutional dress; that rejects the distinction between the abuse and usurpation of a power—a guide that can never be seduced by modern refinements or selfish patriotism. Common sense, that old and faithful friend of Constitutional liberty, inquires, What, with six or seven millions in the Treasury, are our taxes to be augmented? Is it for the purposes of government? No; they are to increase the profits of our manufacturers. Do they petition for these taxes? Some of them do; but a majority, entrenched within their citadels of power, are busily and usefully employed; they care not for our laws or our taxes; they have enough to do in managing their own concerns, and in regulating the affairs of the little worlds whose movements they superintend.

But, let us reject all these idle forms. Suppose our capitalists were to propose to contract with Government, giving bond and surety, binding themselves and their heirs to furnish this country, in ten years, and forever thereafter, with certain articles, at reduced prices, and in any quantity required, upon condition that Congress should forever prohibit the importation of similar articles. Is any gentleman prepared to advocate such a contract, upon federal and Constitutional ground? And yet, where, in common sense, is the essential difference between such a contract and the principles of the measure proposed—except, indeed, that by the bill we grant away the rights and property of the people, upon a mere speculation—without bond—without security? If these are the principles upon which the property of the consumers is to be legislated away, we shall always find capitalists ready to accept our contracts without responsibility.

But, let us again waive all forms. This modern scheme of protecting industry will cost our revenue at least two millions annually. Suppose our capitalists were to petition Congress for an appropriation of two millions, to be distributed annually among them, by our Committee on Manufactures, as bounties. Should we even dare to vote for such a disposition of the people's money? Yet, however startling this proposition may appear, what is the character of the measure actually proposed? While one-half of this bill is designed to prohibit importations, and plunder our Treasury, the other half is acknowledged to be an increase of our taxes, to supply the very deficiency thus about to be created. But, in case this increase of taxation should not be sufficient, we are then to resort to internal excise, to supply the wants of Government, thus doubly taxing the people of this country. Can such a measure be defended upon Constitutional ground?

But, how has this bill been framed? We must presume from its structure, from its minimums, its specific rates, and the dexterity of the third section, that the Committee on Manufactures have adopted, in every instance, the rates proposed by the manufacturers themselves; for its provisions are calculated to reach prohibition. We must presume (and that without intending any disrespect to the gentlemen) that the manufacturing members of this House, probably some fifty or sixty, have furnished to the committee the very rates which are specified in the bill; and thus has the bill been framed without consulting the interest of our Treasury, or the rights or welfare of any other interest. Indeed, if we are to judge by this formidable specimen of its labor, the committee must have framed this tax bill without regarding any interest but the one to which it is devoted.

Such, said Mr. C., is the practical operation of these our modern principles of legislation. If we are to adopt these principles—if we are to act upon this unequal plan of Government—we may expect to go on from age to age, receiving petitions for privileges, (for they are absolutely nothing else,) generally from one section of our country, where a large accumulation of moneyed capital is seeking new employments. We shall continue from session to session, granting our Legislative contracts, without responsibility, to our capitalists in one section, while the other sections, and that vast community of men without capital—the body of society in every country—must forever enjoy no other privilege but that of submitting quietly to the Government contracts, and contributing a portion of their annual income or labor, to increase the capitals of the contractors. And is this legislating in the spirit of our Federal Constitution? Are these the modern principles of Republican government? Is it not despotism? And yet, we have heard the exclamation, What! are we threatened with disunion?

I trust, said Mr. C., that the American people will ever be animated by the spirit of their ancestors. When they were threatened with measures similar to this now proposed—when they were shackled with restrictions—it appears our ancestors had other principles than those now in fashion—they thought it was patriotism to resist. When their property and rights were violated by lawless power, they made a determined stand for the liberties of mankind, and solemnly appealed to the Mighty Arbiter of nations—rejecting, with indignation, all parliamentary sophistries, they broke the chains with which subtle ingenuity and usurpation would have bound them.

When we see measures of this character advocated here upon principle; when we see such principles sanctioned by the names of some of the most distinguished men in our country; when we see gentlemen claiming a Constitutional right to impose on the agricultural and Atlantic States a system of perpetual vassalage, we must lament that, in our short history, we may read—a melancholy lesson for mankind—that even here, as elsewhere, it is not in these idle forms of constitutions, but in the statute book, we are to look for the character and principles of a Government. We may read that, under the name and sanction of a free constitution, private rights and private property may be violated with as much cool indifference as if this Government were armed with the proud authority of the lawless Ottoman. We may read in the zeal with which this measure is advocated an evident indication of the growth of power—we may foresee that even this, the sublimest institution of mankind, is destined to dissolution. We may even apprehend that this Government is destined to fall, like other human institutions, through its usurpations, and an abuse of its powers. The accumulation of power seems, under every form of government, to be inevitable. The people may occasionally rise in their majesty and dissolve these accumulations; our country may feel the salutary influence of such reactions; but power will ultimately triumph; these Alpine accumulations will ultimately bid defiance to the sun's meridian splendor; let us beware of the avalanche.

Our confederacy now rests on a rock of adamant—on our political morality—on an invincible attachment of an enlightened people to the best Constitution in the world. But, we must not fearlessly calculate on the immortality of our Union if we adopt measures like this; for no free Government can stand firm where it becomes a principle of legislation habitually, and without an imperative political necessity, to violate property and natural rights. No free people will ever submit to a Government which substitutes such rules for the essential principles of Constitutional liberty. Let us not, sir, retaining the forms of a free, act upon the principles of an absolute Government, and render it, through the tyranny of laws, detestable to any portion of this country.

The measure proposed by the committee can be supported on no ground. Our industry, in every branch, is probably destined to reach a premature perfection; while into the channel of manufactures the accumulations of trade and navigation are naturally and rapidly flowing. The general question is not the protection and encouragement of our domestic industry; it is absolutely nothing but a contest between a small portion of our large moneyed contractors, who solicit monopolies on the one hand, and a multitude of consumers, of all classes, on the other.

The bill reported by the Committee on Manufactures, and the system upon which it is founded, cannot be defended. They are both repugnant to the soundest principles of political economy; they consume our revenue, vitiate our legislation, and sap the foundations of our Union; while, in reference to the measure proposed, the state of the nation, whether we look at home or abroad, exhibits no political necessity to sustain it. Were the question limited to this solitary bill—whatever may be its character, whatever its fate—my fears would be in some degree diminished; but, viewing this measure as a part of a permanent system, I cannot look forward without apprehensions, lest, excited by our sectional jealousies and prejudices, we should be hereafter persuaded that the North has a distinct interest from the South—the East from the West—lest unrestricted power should, at some remote period, sacrifice the rights of the weaker portions of our common country. I trust, said Mr. C., the people on the Atlantic border may never be trampled upon because they are politically weak. We ask nothing but Constitutional justice—we ask only that commerce may not be perpetually cramped by laws, called for by neither policy nor honor. We entreat our political rulers to look to the future and inevitable destinies of this great commercial nation—to reflect upon the wars in which a high-spirited Republic, leading the van of Constitutional Governments, must be hereafter engaged; and we beg them to yield something more than a cold and suspicious attention to the humble rights of our mariners. I trust it will never be the policy of our Government to turn adrift, without chart or compass, our gallant tars, who, in the midnight of our calamities—when this Capitol was blazing with Vandal fires—avenged the insult—blotted out this spot upon our escutcheon, and waved our standard on the shores of England, fearlessly and triumphantly. I trust we shall never wage an angry and unnatural war against the heralds of our reputation abroad—nor drive from its fast moorings the vanguard of our defence.

Mr. G. Moore, of Alabama, followed Mr. Cambreleng. Mr. M. commenced by saying that, notwithstanding this subject had occupied so much of the time of the House, and had called forth much talent and argument, yet, as the provision in the bill relating to the tax on cotton bagging, and which was proposed to be stricken out by the proposition which had been submitted by the honorable member from Louisiana, affected so materially the interest of the citizens of the State which he had the honor in part to represent, he trusted he would be indulged by the Committee, while he submitted a few remarks expressive of his disapprobation of this obnoxious section, and the reasons which influenced him in voting for striking it out.

Sir, said Mr. M., the general provisions of the bill, or the preliminary question whether a modified tariff, under existing circumstances, can be justified or not, are questions which I shall leave to be discussed by abler hands, and confine my arguments to the single item embraced in the provision for striking out.

It would be in vain for me, said Mr. M., at this time, to attempt to add any thing new to the able arguments which have been addressed to the Committee by honorable members who have preceded me, in favor of this proposition; but, sir, I will take the responsibility of attempting to show in what manner these arguments have been attempted to be refuted by the opposition.

Sir, when the Committee are informed that this "measure will operate excessively hard and 'oppressive upon the Southern section, that Kentucky and Ohio will probably not be able to supply the demand for the article, and if they were, 'that this measure will give them the monopoly 'in the sale of the article, at the sacrifice of the 'Southern interest, and at the same time by this 'means withdraw a respectable portion of the 'revenue from the public coffers," what are you told in reply, by the honorable member from Pennsylvania, the chairman of the committee who reported this bill? 1st, "That, true, this measure 'does press excessively hard, but you have no 'right to complain, because you have an equivalent in the sale of your cotton; that Pennsylvania consumes more cotton than all the cotton 'growing States; that there is a bounty of three 'cents per pound on cotton; that Kentucky and 'Ohio pay this three cents to the cotton growers, 'and ask, in return, this duty on cotton bagging."

Sir, the argument of the supposed three cents bounty on Southern cotton has been so completely met and refuted, by those who have preceded me, that nothing is left for me, even were I possessed of more ability than I can pretend to boast of. And, sir, how were these arguments attempted to be refuted by the honorable member from Pennsylvania, the chairman of the committee who reported this bill? By a resort to that substitute for argument, which is frequently made, when the doctrine attempted to be opposed is irresistible and unanswerable—I mean wit and ridicule.

Now, sir, as to the other position of the honorable member from Pennsylvania, "that Pennsylvania consumes more cotton than all the cotton growing States;" is this anywise extraordinary, and what does it prove? Need I tell the honorable member from Pennsylvania that the South is not, nor ever can be made, a manufacturing country; that it is inconsistent with the habits, customs, nay, sir, the interest of the people of this section of the Union; that they are purely agriculturists? And is this a good reason why their rights should be sacrificed? And here let me say, sir, I thank the honorable member from Virginia, who spoke yesterday on this occasion, for the very lucid view he took, in drawing the distinction between the situation of the greatest manufacturing country in the world (Great Britain) and our own; the reasons which influence their policy, which cannot ours; and for his unanswerable arguments showing that the West, in supporting this measure, abandon their true interest. Sir, how diametrically opposite is the object and effect of this measure, and a bill introduced by the honorable member from Virginia, over the way—I mean the bill providing for the occupying the mouth of Columbia river, which offers greater bounties and holds out greater inducements for emigration than have ever been known heretofore, and the tariff, offering the greatest bounties to the Northern and Eastern people not to emigrate.

But, Mr. Chairman, I will tell honorable members in the Opposition, that they may impose what tax they please upon the article which envelopes our cotton; trammel it as you can by the provisions of this oppressive bill; take from the Southern planter his privilege of going with his produce to what market he pleases, and say to him you shall not take in return such articles as are indispensable to your prosperity, and, in doing this, withdraw from the public coffers a considerable portion of the revenue which possibly must be supplied by a direct tax upon the people; when all this you have effected, to the oppression of one section of the Union and aggrandizement of the other, still, sir, I say this bill will not possess the magic power (inspired as the honorable gentleman from Kentucky would intimate it was) to change that order of things nature has ordained. The Southern people, after all these sacrifices, and violation of their rights, must still be agriculturists, and the cotton of the South will still cross the Atlantic.

Now, sir, I will endeavor to answer the remark of the honorable member from New York, who sits to my right, which was also assumed by the honorable Speaker, "that the tax imposed on cotton bagging was paid by the consumer." Sir, as a general rule, this may be true, but I deny that it can be applied to this particular case. You may apply this doctrine to broadcloth; the consumer pays it. Apply it to coarse woollens, to foreign spirits; the consumer pays it. But, sir, to apply it to the article under consideration, which is not an article of merchandise, in that interpretation—it is the article only in which that of merchandise is wrapped—its office is performed when the cotton has arrived at its destined market—it is then useless, and thrown away. Sir, the doctrine that the purchaser of cotton will increase the price in proportion to the price which the owner has been compelled to give for the article by which it is enveloped, I cannot subscribe to; and, sir, to contend for this principle, is to advocate a point in disinterestedness and benevolence to which it has not been designed that human nature shall attain. No, sir; you may take my word for it, the purchaser of cotton will be governed by motives and considerations which govern others on similar occasions, by a consideration in connexion with the cotton; and not with a view to the extravagant price which the bagging may have cost the owner, and which now is useless, and thrown away.

Now, sir, one word in reply to the gentleman from Kentucky, who sits immediately before me, and who, I am sorry to see, is not in his seat at present. Sir, as well as I can recollect, that gentleman informed the Committee that the people of the West had a right to demand this extraordinary tribute of two hundred and odd thousand dollars per annum, of the South, for the following consideration: "They purchase the cotton at twenty-five cents per pound, and furnish bagging of a superior quality, which, from its being weighty, they receive more in weight than the original cost." Now, sir, this position, to me, is so very extraordinary, that I must be permitted to say that I am an infidel to its faith. Sir, if the gentleman will prove its accuracy, I will acknowledge my error, and I will then acknowledge the correctness of another position taken by that gentleman, and which was assumed by the honorable Speaker, "that the Southern delegation, in their opposition to this bill, opposed the interest of their constituents." Now, sir, unpleasant as I considered this compliment as relates to myself, yet, if the gentleman from Kentucky will prove the accuracy of the other position, I will admit the truth of both. Will that gentleman inform the Committee whether there are not some two or three planters in the Southern country whose crop united will glut the market of Kentucky and Ohio? True may it be said, that the Southern delegation—yes, sir, and their constituents, too, are incapable of discovering their own interest, when they ship their cotton to New Orleans, New York, Liverpool, and France, for the prices at which it is quoted at present, when they can send to the honorable member's country and receive twenty-five cents. Sir, they would all be idiots, and need Western guardians.

Now, sir, as to the price, first, of cotton bagging—this article commands, at present, in the section of country which I have the honor to represent, thirty-three and a third cents, and sometimes more; perhaps this may be considered the average price. This is paid for it, sir, in good money, by which I do not mean specie, nor United States bills, but such as is current in the country, such as is receivable in ordinary transactions, and such as will purchase our cotton. Now, sir, will the honorable member from Kentucky take the responsibility of stating that cotton will command twenty-five cents, in this kind of money, in his country? I presume he will not. If it is not in money, what is it in, Mr. Chairman? Not in chips and whetstones, (if I may be allowed the expression in this Hall,) but in old paper rags and trash—such combustibles as the Legislature of the honorable member's State, by a legislative enactment, have consigned a great proportion of, to a bonfire. Then, sir, away with the argument that our cotton finds such a liberal market in that quarter.

The gentleman from Kentucky urged the propriety of this obnoxious provision, by which the Southern country is to be made to pay this extraordinary tribute for cotton bagging, to the West, upon another ground. He said "that, not only 'did his countrymen supply the South with the 'article, but they pursued it, after the cotton 'bales were formed, to New Orleans, and occu'pied stations behind it." Sir, all are willing to acknowledge the patriotism and bravery of the hardy sons of the West; and, I assure that gentleman, that bills of patriotism, *properly drawn* upon my gratitude, will never be protested, but promptly honored. And, sir, that there have been gathered, on the plains of New Orleans, military laurels which now decorate the American brow, and a character for military skill and patriotism, obtained on that memorable occasion, for the people of this Republic, which I, as one citizen of the Union, shall never cease to rejoice in contemplating, is also true, and will be denied by none. But, sir, all I ask, in reference to this subject, is, that the gentleman will give to Cæsar the things which are Cæsar's.

Mr. Chairman, it has been triumphantly asked by the honorable Speaker, "Will you submit to 'the Scotch manufacturer, or will you create an 'American competitor, who will rival him?" No, sir, this is delusive. I will state the real question connected with this subject. Sir, it is truly and emphatically this—Will you suffer the duty on this article to remain as it is at present, whereby there exists a fair competition between the American and European manufacturer, derive a considerable annual revenue from its importation, furnish employment for your navy? or will you substitute this prohibitory duty; exclude the foreign imported article, and with it this item of your revenue, which I believe is admitted on all hands to be very acceptable, and which the honorable member from Pennsylvania, the chairman of the committee who reported this bill, admits will be the consequence, but which the honorable Speaker, more on his guard, did not do, knowing this admission would take from the measure one of the principal grounds upon which its plausibility could be supported? Now, this is the true state of the case. And what is the consequence? You create a monopoly in the sale of this article for the benefit of the West, and at the sacrifice of the South.

Mr. Chairman, I have heard upon this occasion a strain of eloquence and oratory with reference to patriotism and the necessity of the American people being free from European dependence, &c., which, sir, is seldom witnessed in this or any other country. But, I confess, sir, I did not think it was applied to the able arguments which have been urged against the bill, or this provision. Many liberal professions have also been made of a disposition to do equal justice to every part of the Union. But, sir, I hope on this occasion honorable members will give us example with precept.

Sir, the citizens who reside in that part of the State which I have the honor to represent, have already had an awful example of Western liberality, when they possess power. Sir, the time which intervened during the late war was one during which we were entirely dependent. At that time the article could not be imported. They then had the protection which is now sought by this provision. And what were the consequences? The article was scarce, and cost two prices, and even at that could not be procured plentifully.

Sir, I have not forgotten one occasion wherein the Western delegation looked to the South with solicitude (and not in vain) for aid in support of a measure which they viewed as one of the last importance to their constituents—I mean the Cumberland road. No, sir; I believe "Cumberland" was thought inapplicable in the title, and on motion was stricken out, and "Public" inserted; and some gentlemen thought "Western" was still more apropos. Sir, I presume the section of country which I have the honor to represent, is as adjacent to this great highway as any other portion of the cotton-growing country—and perhaps the nearest point is three hundred miles distant—and I venture to say, a bale of cotton will never be found on this road going to market. Now, sir, we ask an interchange of reciprocity in good feeling and good offices.

But, sir, in order to test the declaration of liberality which has been avowed on this floor, that this bill provides equal justice and protection to every part of this Union, let us examine the items of taxation, and see what portion will be found applicable to Southern protection, and begin with broadcloth. Gentlemen will not contend but this operates as much, or more, to the prejudice of the South as to any other quarter. Take coarse woollens. This, sir, is still more severe and oppressive; this, it is well known, the Southern country must have, with which to clothe their servants. Wool is also an article they cannot raise. And, sir, more oppressive still is the tax on iron—an article more indispensable to the planters' prosperity, and which the South do not, and perhaps never can, manufacture—not to mention many others, such as foreign spirits, silks, &c. These, although they operate as a tax upon the Southern interest more than any other quarter, are articles more of luxury, and not so indispensable to the prosperity of the agricultural profession. Now, sir, I sincerely hope honorable members will pause, and yet do the Southern section of this Union justice—it is all we ask.

When Mr. MOORE had concluded—

Mr. STORRS, of New York, followed, in opposition to the pending motion, and, generally, in reply to Mr. CAMBRELENG—when, on motion of Mr. MARTINDALE, of New York, the Committee rose; and the House adjourned.

THURSDAY, February 19.

Mr. McLANE, from the Committee of Ways and Means, reported a bill for the relief of John S. Moffet; which was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of the trustees in behalf of the United Society, commonly called Shakers, residing at West Union, in Indiana; which was laid on the table.

The Committee for the District of Columbia, to which was referred, on the 26th of January ultimo, a memorial of sundry inhabitants of the said District, in relation to a system of government for said District, were discharged from so much of said memorial as suggests certain amendments to the Constitution of the United States, and it was referred to the Committee on the Judiciary; also, from the memorial adopted at a meeting of the Society of Friends, held at New Garden, in North Carolina, in November, 1823, and the said memorial was laid on the table.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of vesting in the trustees who have been, or may hereafter be, appointed, by the inhabitants of the "Illinois Grant," in the State of Indiana, the fee simple of certain lands appropriated by Congress for the support of schools in said grant, for the sole use for which said lands were originally granted, and conformable to the provisions of an act of the General Assembly of said State.

THE TARIFF BILL.

Mr. OWEN offered the following resolution:

Resolved, That the Committee of Ways and Means be directed to examine and report to this House what will be the effect upon the revenue of the Government of the United States if the bill now before this House entitled "A bill to amend the several acts imposing duties upon imports," should pass into a law—and if its operation would, in their opinion, diminish the revenue to an extent greater than the expenditures of Government will admit of, what course it will be expedient to pursue to supply that deficiency.

Mr. OWEN addressed the Chair to the following effect:

The resolution which I have submitted to the consideration of the House, embraces considerations of the deepest importance. An additional interest is given to it, on account of its being a departure, in some degree, from the ordinary course of proceeding in Parliamentary bodies; and to this point permit me to ask the particular attention of the House, for it is not my wish to make innovations upon ancient usage, or to violate established rule. I should, therefore, be pleased to learn the opinions of honorable gentlemen, who have more experience in legislation than I have, upon this point. But, to me, from my limited experience, from all the sources of information upon such subjects, which have been within my reach, I have concluded, that, though there was to be found no precedent in our legislative proceeding, that yet it is strictly parliamentary, and to this authority only which we could look, I am supported—I mean the proceedings in the British Parliament. And to this point the honorable gentleman from Virginia, who addressed the Committee of the Whole on the state of the Union, a few days ago, made so correctly this reference, that it is useless to repeat it. I take it for granted, then, that this proposition is fairly before the House; and, indeed, if it were not, its importance to the dearest interests of this country would call upon the House to exercise the great power with which it is vested, in the universal control of its own proceedings, when the public good demands it.

I will proceed, then, to the consideration of the resolution; though I would here remark that it is not my wish, and I hope gentlemen will not so understand me, to suspend the discussion of the bill alluded to in the resolution, until the report of the committee can be obtained; but, to let it proceed, as if no such resolution had passed. And, before we are called upon finally to act, the information wished for, would, without doubt, be furnished.

There are two distinct propositions contained in the resolution. The first is, to ascertain the effect that the adoption of the proposed tariff will have upon the revenue of the Government—the second, if that effect causes a deficiency in the revenue, in what manner that deficiency is to be supplied.

Many have been the estimates and calculations already submitted to this House, with regard to this effect, all of which go to show that a deficiency in the revenue must necessarily follow the adoption of the tariff, with its present provisions; but, to what extent, there is difference in opinion; that this may be reconciled, and the estimates furnished may be official, I would hope that the House would sustain my proposition. Let it then be conceded (as I believe the most devoted friends of the tariff are willing to do) that the revenue will be diminished to an extent greater than our expenditures will admit of. When is the proper time to take steps to supply the deficiency? My own opinion is, this should go hand in hand; that, with the commencement of the disease should begin the application of the remedy. But, before I proceed further upon this point, I would remark, that the mode I have adopted to attain my object, is the correct one. That the information asked for, is desirable, indeed absolutely necessary, all admit. Through your committees, then, sir, should this information come; the very organization of our body, its distribution of business among our committees, established usage, have prescribed the mode of obtaining information useful and necessary, upon any subject of deliberation, to be through the appropriate committees; this will be admitted. But perhaps I may be told that the committee mentioned in the resolution is not the proper one; that if there was to be a deficiency in our revenue, caused by the act of one committee, that same committee should devise means to supply it; that the committee that pulled down should also build up. From this opinion, should it be entertained, I must dissent; over public revenue and public expenditure, the Committee of Ways and Means have exclusive jurisdiction; from that committee, alone, then, can any information upon these points come officially, and in this shape we ought to have it.

But, to return to the main object of the resolution—the probable deficiency in our revenue—I did say that it would be conceded that this was inevitable. But, if it is not, I would beg leave to remark, that the subjects toward which the provisions of the tariff are mainly directed, are, also, the most important sources of our present revenue. Against woollens, cottons, linens, hardware, glass, and foreign distilled spirits, are the provisions of the tariff directed; and, some think, even to a prohibition. If this should be the case—as from these our revenue principally arises—there is no member of this House who can, for a moment, hesitate upon the propriety of pursuing the course pointed out in the resolution. We must, therefore, conclude that the passage of the tariff, in its present shape, must be destructive to the revenue. And I am well convinced that no individual is prepared to say that this would not bring upon our governmental operations much embarrassment and retard its regular progress. This is a state of things that we all must be anxiously desirous never to bear witness to. Lest, then, we should be compelled to do so, and that by our own acts, let us inquire what there is to be done—and this brings me to the second proposition contained in my resolution. If there is a deficiency, in what manner is it to be supplied? Here, perhaps, in the outset, I may be told, "that sufficient unto the day is the evil thereof." But, with due deference to the opinions of all others, for my own part, I should think that it was the true and sound policy of all Governments, that when evil is anticipated, to prepare to meet it by provident provisions; and not to await its injury—lest, to recover from it, might require redoubled energy. What then, is to be done? This is the fit time to make the inquiry.

I am told by honorable gentlemen, that the advancement of the manufacturing interests is of such vital importance, that though we should be driven to excise and direct taxation, that this policy would be willingly adopted; for my own part, I do think that, before this policy is resorted to, the situation of the country should be properly understood; and, from the principles of our Government, this should be the last, the ultimate resort; extreme cases alone can justify it. The State that I represent is unprepared to endure this policy. We are already heavily burdened, the States generally are embarrassed; I shall then most solemnly protest against this resort. Other gentlemen are prepared, perhaps, to say that a "public debt is a public blessing;" and, to obtain this, we will destroy the revenue, and effect a loan to meet public expenditures. From this policy I must also be permitted to dissent. I hope, therefore, a majority of this House will view this subject in the same light that I do, and sustain me in the proposition; at all events, no evil can result from the adoption of the resolution; and indeed I wish the information in this official manner, that the people of the country may know what is to be the immediate effect of this tariff, if made a law, upon their interests. I hope the resolution will be adopted.

Mr. **Tod** opposed the resolution, conceiving it (until set right by an explanation from Mr. **Owen**) to be a measure intended for delaying the discussion of the bill. Procrastination had last session been successfully resorted to to defeat the bill; and the manufacturers, in consequence of the unsuccessful agitation of the tariff question in this House, had sustained a loss of two millions of dollars; because the foreign merchants and manufacturers conceiving it as a thing of course that such a bill, if once proposed, could not be rejected, had poured in their goods in great quantities, in anticipation of its passage. He trusted gentlemen would not attempt the same policy again. The bill would have to be passed upon sooner or later. If put off now, it would certainly come up next year; and if put off then, it would recur the year following; and would gentlemen thus waste the time and money of their constituents? Could not the gentleman from Alabama vote till he had learned the opinion of the Committee of Ways and Means? The bill, at all events, could do no fatal injury to the revenue in one or two years; that a previous plan was indispensable to meet its effects.

Mr. **McLane**, of Delaware, (chairman of the Committee of Ways and Means) had no objection to the gentleman's obtaining the information sought by his resolution; but objected to the mode proposed. The chairman of the Committee of Manufactures was the proper organ through whom to obtain it. That committee were in possession of all the facts on the subject; the operation of the bill must, of course, have long been before them; and if the Committee of Ways and Means were applied to, they would only have to go to the Committee of Manufactures to get what they might report to the House. The bill was not for revenue, but for protection; it therefore appertained wholly to the other committee. But, if the gentleman wished a counteracting system prepared, to meet the operation of the tariff bill, he was premature. If the Committee of Ways and Means should now propose a plan, it must be founded on the bill as it at present stands; but, by the time that report should be prepared, the bill might be entirely changed, and a new report must be prepared. When the bill had undergone all its modifications, and had passed the House, if its operation was to be injurious to the revenue, the Committee of Ways and Means would, of course, find it their duty to provide a plan of remedy. But, having, last session, given the subject a careful and deliberate examination, he was decidedly of opinion that a tariff might be adopted, which, while it gave every proper protection to manufactures, instead of diminishing, would augment the revenue. He would not go so far as to say that the present bill needed no alteration in any of its details; but he was satisfied the two objects were perfectly compatible. He referred, in support of this position, to the report of the Secretary of the Treasury, last year laid before Congress, (a part of which he read,) and observed, in conclusion, that the Committee of Ways and Means were prepared to perform their duty, when the proper occasion required it.

Mr. **Livingston** considered the information sought for in the resolution indispensable to an intelligent vote on the bill before the House. Some gentlemen believed the revenue would be seriously affected, if not destroyed by its operation. He wished some certain information whether this was likely to be the fact, and if it was about to take away one-half, or one-third, or any other large portion of the revenue, he wished to see beforehand how this was to be made up. He did expect that the honorable chairman of the Committee of Manufactures would have laid some detailed and authentic statement on this subject before the House; he had waited for it, but in vain. He did not care from what committee it was obtained, but thought that, as it was a question which touched the revenue, the Committee of Ways and Means would be the proper committee to present it to the House; and he quoted the standing rules of the House to show the duties of that committee. He wished to see a formal report, that he might have something to show to his constituents, and quiet their apprehensions, and if it could not be prepared in a week, he would wait ten days, or even a fortnight, to obtain it. He hoped the House would not, by the force of a majority, pass any law in such a manner as would put it in the power of a minority to say they forced this measure upon us without giving us the requisite information respecting it.

Mr. **Buchanan** thought this a most extraordinary resolution. After the bill had been almost a month under discussion, when the measure had been examined by every newspaper in the country for years past, and the whole nation had taken sides on the question, that Congress should formally ask for information as to what would be the operation of the bill! He thought gentlemen were competent to obtain this information for themselves, or why were they sent here? The gentleman from Louisiana had now come fairly out, and avowed his willingness for delay; but it was delay that ruined the bill last session, and delay would destroy it now. The chairman of the Committee of Ways and Means had expressed his opinion—the members of that committee were all in the House: Why send them out to make a long report, and then occupy as much time afterwards as before it? It was unreasonable to find fault with the chairman of the Committee of Manufactures, for not laying a general statement before the House; he had not been called on to do so—the debate having thus far been almost confined to cotton bagging. When necessary, he doubted not that gentleman was fully prepared to show what would be the operation of the whole bill, and of all its parts.

Mr. **Brent** thought the opposition to the resolution was yet more extraordinary than the resolution could be. It was accused of being a mere scheme for delay; but the gentleman from Alabama had expressly disavowed any intention of suspending the debate. Some honorable gentlemen from Kentucky had said that if the bill was going to lead to an excise, they should oppose it. Surely we wanted information on that point.

Here the debate was arrested by the Speaker, who proclaimed the order of the day.

MILITARY APPROPRIATION BILL.

On motion of Mr. McLane, all the previous orders of the day were suspended, and the House went into Committee of the Whole, (Mr. Taylor, of New York, in the Chair,) on the bill making appropriations for the military service of the United States for the year 1824. The bill was considered as reported in blank; and the first blank, which is for the pay of the Army, and subsistence of officers, including the pay and subsistence of the officers and cadets belonging to the Military Academy, at West Point, was filled with $994,307 05.

The second blank, for subsistence, was filled with $269,847.

The third blank, for forage for officers, was filled with $39,126.

The fourth blank, for the recruiting service, was filled with $13,400.

The fifth blank, for contingent expenses for the recruiting service, was filled with $15,800.

The sixth blank, for the Purchasing Department, was filled with $141,127 59.

In answer to a query of Mr. Trimble, the chairman of the Committee of Ways and Means (Mr. McLane) replied, that in the purchases for the clothing of the troops, a preference was always given to American manufactures, (unless where the public interest would materially suffer.)

Mr. Trimble thought this rule ought universally to prevail. As we were soon to be called on to attend the funeral of our little Army, he wished to know whether its shroud was to be made of American manufacture or foreign.

Mr. McLane said that many of our woollen manufactories were sustained almost entirely by purchases from the War Department.

The seventh blank, for the purchase of woollens, during the year 1824, in advance for the year 1825, was filled with $20,000.

Mr. Cobb made some inquiries respecting this item, and Mr. Floyd moved to strike it out; but its propriety was explained and defended by Mr. McLane, and the motion to strike out was not agreed to.

The eighth blank, for the Medical and Hospital Department, was filled with $10,000.

Mr. Cocke moved to strike it out. Mr. Whipple replied and advocated its necessity, and the motion was lost.

The ninth blank, for the Quartermaster General's Department, was filled with $249,000.

The tenth blank, for the Military Academy, including hospital for cadets and troops, two wings to be added to the Academy, for the departments of philosophy and chemistry; a double stone house, for accommodation of two families of professors; a laboratory and green-house, out houses for superintendent's quarters; office for the professor of engineering; cast iron pipes for supplying water; a modeller, and a plate for a diploma for graduates, was filled with $33,400.

For the purchase of Gridley's farm, $10,000.

On this sum, and especially on a component item, of ten thousand dollars, for the purchase of a farm adjoining the Academy, a desultory debate arose, which occupied the House till after four o'clock. The propriety of the purchase was advocated by Messrs. Craig, Warfield, Poinsett, Strong, McLane, Sharpe, Archer, Wood, Mercer, Hamilton, and McDuffie—and opposed by Messrs. Cobb, Buck, Cocke, Sanford, McCoy, and Floyd. Mr. Cocke proposed an amendment, making the appropriation for the purchase conditional: 1st, that no more than $10,000 should be given for the land; and, 2d, that the consent of the State of New York should be given to the sale. The former condition prevailed, but the latter, on motion of Mr. McDuffie, was stricken out; and the whole clause, as amended, was carried—ayes 107.

In support of this measure, it appeared that a part of the small isolated spot on which the Academy stands, (surrounded on one side by a deep river, and on the other by steep and almost inaccessible mountains,) is occupied by a farm, owned by a Mr. Gridley, on which there stands a tavern, but a few hundred yards from the Academy. Every effort to remove so great a nuisance, or to bring it under any effectual restraint, had proved unavailing; and its effect, in counteracting the salutary discipline of the establishment, had long been a source of painful regret to the superintending officers. As the only efficient remedy, it was proposed to buy the land for the United States, and attach it to the Academy; to which a farther inducement operated, as it would afford a favorable site for a hospital and other out-buildings. The measure was opposed, as unnecessary, and as insufficient for the end proposed. Unnecessary, because the cadets were supposed to be in no danger from so low and degrading a temptation as a tavern could afford; if any of them were disposed to become sots, they ought at once to be expelled from the Institution. And, besides, the discipline of the establishment ought to be sufficient to restrain immorality among the students. Insufficient, because if the whole farm was purchased, a tavern would be erected a little further off, and the danger as great as ever. Besides, there was a daily communication with Newburg and New Windsor, and also occasionally with New York; and young men disposed to dissipation could not be checked by putting the means of gratification at a little greater distance. Other establishments of the same kind, in the South and in the West, were situated in the midst of cities or populous towns, and yet were in a good condition.

To this it was replied, that the officers on the spot were the best judges of the case, and they were deeply impressed with the indispensable necessity of having that tavern put down. They had endeavored to effect its suppression by the authority of the State Legislature of New York, and some bill on that subject was now before that body. Distance was certainly a most important circumstance in measuring the strength of any temptation on the minds of the young. But the land at West Point was so situated, that if this little farm was held by the United States, there was no spot for miles round on which a tavern could possibly be erected. An affecting appeal was made by Mr. Mercer, in behalf of parental anxiety, and on youthful accessibility to the approaches of temptation; the warmest encomiums were pronounced upon the state of discipline and the system of instruction in the Academy, its order, regularity, and exact police. Mr. Poinsett had visited the European Military Schools, and pronounced this to be equal to any of them, if not superior. Mr. Archer testified with enthusiasm to the same point, and wished that the Secretary of War, in selecting from Congress a Visiting Committee to examine the Institution, would always compose it of its most decided enemies: they needed only one visit to convert them into its warmest advocates.

Mr. Wood valued it as the best substitute for a standing army, by supplying, annually, a quota of accomplished military men, capable of organizing the militia of the country, and giving immediate efficiency to our Constitutional defence.

Mr. Foot was a friend to the Institution and to the measure now proposed; but had an objection to its introduction into an appropriation bill.

Mr. Livermore was also a friend to the Academy, but feared the insisting on this purchase might increase the objections of its opponents; and he disliked this indirect sort of legislation. If the farm was wanted, pass an act appropriating a sum for its purchase.

Some little pleasantry occurred in the debate, in consequence of a remark of Mr. Warfield, that he spoke in favor of the school from no personal or parental feelings, as, he thanked Heaven, he still enjoyed a state of single blessedness. Mr. Floyd, in reply, observed, that he was happy to observe the gentleman was very thankful even for the smallest blessing. Mr. Buck founded his opposition to the measure, from personal observation, having been for years a student at West Point. With this exception, every gentleman who had visited this Institution, warmly advocated the appropriation.

Having proceeded thus far in the bill, the Committee rose, and obtained leave to sit again.

Friday, February 20.

Mr. Archer, by leave of the House, presented a memorial of the inhabitants of the town of Petersburg, in the State of Virginia, in opposition to such a revision of the tariff of duties on goods, wares, and merchandise, upon their importation into the United States, as is proposed in the bill now pending before this House, to amend the several acts imposing duties on imports.—Referred.

The Speaker laid before the House a communication from the Secretary of the Treasury, accompanied by the statements of the affairs of the Bank of the United States, called for by the resolution adopted on the motion of Mr. Storrs, on the 17th instant; read, and ordered to lie on the table.

CONTESTED ELECTION.

Mr. Sloane, from the Commitee of Elections, to which was referred the memorial of sundry citizens of the Congressional district of Norfolk, in the State of Massachusetts, complaining of the election and return of John Bailey, as a member of this House from said district, presented a report, concluding with a resolution "that Mr. Bailey is not entitled to a seat in this House;" which report was laid on the table. The report is as follows:

The Committee of Elections, to which was referred the petition of sundry citizens and inhabitants of the district of Norfolk, in the Commonwealth of Massachusetts, praying, for the reasons therein set forth, that John Bailey, the member returned from said district to the present Congress, may not be admitted to a seat in this House, have had the same under consideration, and submit the following report:

The petitioners found their objections to the right of Mr. Bailey to a seat in this House, on the alleged fact that he is ineligible, not being possessed of those qualifications which, by the Constitution of the United States, are indispensable to the holding of a seat in Congress, "because, at the time the election was held, at which the said Bailey was supposed to have been chosen, he was not an inhabitant of Massachusetts, but then was, and for many years before had been, and still is, an inhabitant of the city of Washington, in the District of Columbia. In pursuance of the authority vested in the committee by the resolution of the House, they have procured a statement from the Hon. John Q. Adams, Secretary of State, and they have obtained the affidavit of Charles Bulfinch, Esq., of the city of Washington. The Secretary states that Mr. Bailey was appointed by him a clerk in the Department of State, on the first day of October, 1817, at which time he was a resident of Massachusetts, and that he immediately repaired to Washington, and entered on the duties of his appointment, and that he has continued to reside in this city from that time, in the capacity of a clerk in the Department of State, until the 21st day of October, 1823, at which time he resigned the appointment. He further states that he has never known Mr. Bailey to exercise any of the rights of citizenship within the District, but always understood him as considering Massachusetts as his home, and his residence here as only temporary; and that he had considered Mr. Bailey as eligible, &c. Charles Bulfinch, Esq., testifies that he has known Mr. Bailey in this city since January, 1818; that he has resided in a public hotel, with occasional absences on visits to Massachusetts, until his marriage in this city, which took place about a year since, at which time he took his residence in the family of his wife's mother, where he still remains; that he knows of no instance of his exercising any of the rights of citizenship in this District. It appears that the election at which Mr. Bailey was chosen was held on the 8th day of September, 1823, at which time he was actually residing in this city in the capacity of a clerk in the State Department. The second section of the first article of the Constitution of the United States provides "that no person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

The subject referred to the committee, they have viewed as one of great national consequence, and they have entered upon the consideration of it with a diffidence corresponding with its importance. The difficulty attending the interpretation of Constitutional provisions, which depend on the construction of a particular word, renders it necessary to a complete explication, to obtain, if possible, a knowledge of the reasons which influenced the framers of the Constitution in the adoption and use of the word “inhabitant,” and to make an endeavor at ascertaining, as far as practicable, whether they intended it to apply, according to its common acceptation, to the persons whose abode, living, ordinary habitation, or home, should be within the State in which they should be chosen, or, on the contrary, according to some uncommon or technical meaning. In what sense this word was intended to apply, can only be determined by reference to the Constitution itself; but some light may, perhaps, be thrown on the subject, by consulting the history of the times in which that Constitution was formed. It is well known that, at that time, much difference of opinion existed throughout the Union as to what form of Government would be best suited to the situation of the country; and that the difficulties which the Convention had to encounter, in adjusting the powers that were to be conferred on the General Government, and those which were to be reserved to the States, were of no ordinary kind. That body was, for a long time, divided into three different parties, unequal in numbers, but alike zealous in support of their favorite theories; one was for a Government of a consolidated form, in which the State governments would scarcely have sustained their existence; another was for a system of the Federal complexion, differing but little from the original compact, under the Articles of Confederation; and a third was in favor of a Government partaking both of the national and federative principle. Those who were in favor of retaining to the States the greatest portion of their sovereignty, were extremely assiduous and persevering, and it was with much reluctance that they finally agreed to unite in that spirit of mutual concession and compromise, out of which resulted the adoption of the present Constitution. This class of politicians had imbibed the opinion that almost any features of a national character, which should be incorporated into the Constitution, would, in the progress of the Government, absorb the most essential powers of the States, and render them little more than subordinate corporations; and it was, no doubt, owing to their exertions that many of those provisions were inserted in the Constitution, which go to sustain the distinctive character of the several States as component parts of the General Government, and which were intended as effectual checks to its progressive influence. Of this nature is the provision that the States shall be equally represented in the Senate; that the votes in the House of Representatives, in deciding the election of President of the United States, shall be by States, each State having one vote; and that none but the inhabitants of the respective States should represent them in either House of Congress. It was supposed that, unless a provision was made by which State distinctions and State feelings were to be preserved, there would be danger of a people who had so much intercourse with each other losing their attachment for the State governments, and thereby add to the powers of the General Government, which many thought, in its origin, alarming in their extent. In connexion with this, there was still another view of this subject, which in all probability had its influence with the framers of the Constitution, and induced them to confine the people to the election of Senators and Representatives from among the inhabitants of their respective States. They could not but anticipate that, in the progress of time, the General Government would necessarily concentrate, at the Seat of that Government, a number of persons who would be engaged in the different branches of its Administration, and whose long habit of dependence on those who might fill the chief places in the Government, would do much towards enlisting them in support of almost any cause which the Administration might wish to promote. Every person acquainted with human nature must be fully satisfied of the bias which long continuance in particular situations and associations is likely to produce on the mind; and statesmen, so well versed in political history as were the members of the Federal Convention in forming a Constitution of Government, could not exclude from their minds the course of policy pursued by the British Government in this respect. It was well known to them that, by means of the election of favorites to the House of Commons, through the direct influence of the Government, the Ministry were enabled to govern that country in contempt of the public will, thereby rendering representation a mere form. The true theory of representative Government is bottomed on the principle that public opinion is to direct the legislation of the country, subject to the provisions of the Constitution, and the most effectual means of securing a due regard to the public interest, and a proper solicitude to relieve the public inconveniencies, is, to have the Representative selected from the bosom of that society which is composed of his constituents. A knowledge of the character of a people for whom one is called to act, is truly necessary, as well as of the views which they entertain of public affairs. This can only be acquired by mingling in their company and joining in their conversations; but, above, all, that reciprocity of feeling and identity of interest, so necessary to relations of this kind, and which operate as a mutual guarantee between the parties, can only exist, in their full extent, among members of the same community. All these reasons conspire to render it absolutely necessary that every well regulated Government should have, in its Constitution, a provision which should embrace those advantages; and there can be no doubt it was from considerations of this kind that convention wisely determined to insert in the Constitution that provision which declares no person shall be a member of either House of Congress, “who shall not, at the time of the election, be an inhabitant of that State in which he shall be chosen,” meaning, thereby, that they should be *bona fide* members of the State, subject to all the requisitions of its laws, and entitled to all the privileges and advantages which they confer. That this subject occupied the particular attention of the convention, and that the word inhabitant was not introduced without due consideration and discussion, is evident from the journals, by which it appears that, in the draught of a constitution reported by the committee of five, on the 6th of August, the word resident was contained, and that, on the 8th of the same month, the convention amended that report, by striking out “resident,” and inserting “inhabitant,” as a stronger term, intended more clearly to express their intention that the persons to be elected should be completely identified with the State in which they were to be chosen. Having examined the case, in connexion with the probable reasons which influenced the minds of the members of the convention, and led to the use of the word inhabitant in the Constitution, in relation to Senators and Representatives in Congress, it may not be improper, before an attempt is made at a further definition of the word, a little to consider that of citizen, with the view of showing that many of the misconceptions in respect to the former, have arisen from confounding it with the latter. The word inhabitant comprehends a simple fact, locality of existence; that of citizen a combination of civil privileges, some of which may be enjoyed in any of the States in the Union. The word citizen may properly be construed to mean a member of a political society; and although he might be absent for years, and cease to be an inhabitant of its territory, his rights of citizenship may not be thereby forfeited, but may be resumed whenever he may choose to return; or, indeed, such of them as are not interdicted by the requisition of inhabitancy, may be considered as reserved; as, for instance, in many of the States a person who, by reason of absence, would not be eligible to a seat in the Legislature, might be appointed a judge of any of their courts. The reason of this is obvious. The judges are clothed with no discretionary powers about which the public opinion is necessary to be consulted; they are not makers, but expounders of the law, and the constitution and statutes of the State are the only authorities they have to consult and obey.

It is not within the knowledge of the committee, that any of the States have Constitutional or legal provisions on the subject of expatriation, unless, indeed, the laws in relation to the settlement of paupers should be considered of that description; we are, therefore, left without any certain rule by which to determine what length of absence shall amount to a forfeiture of citizenship. Perhaps, the only safe criterion by which to determine the matter, would be to consider every person who removes from one part of the United States and settles in another, as ceasing to be a citizen of the State from which he has removed, whenever, by the constitution or laws of the place where he has taken up his residence, he is entitled to exercise the rights of a citizen there. From what has already been said, it must appear that the words citizen and inhabitant cannot be considered as synonymous; but it may not be improper to quote some authority in support of this opinion. The difference of situation between the people of the United States and that of the people of Europe, in a political point of view, renders it difficult to find in the writings on either national or municipal law, in that country, any thing exactly in point; all, however, agree in considering inhabitant as connected with habitation and abode. Thus, Vattel says, (in book 1, chap. 19, sec. 213,) "The inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the State while they reside there; and they are bound to defend it while it grants them protection, though they do not participate in all the rights of citizens." If, according to the doctrine here laid down, the mere settlement and stay in a country where the laws precluded those who thus settled from becoming members of the civil society, gives the character of inhabitants to such persons, it clearly establishes the distinction between citizen and inhabitant, and shows that the latter appellation is derived from habitation and abode, and not from the political privileges they are entitled to exercise. Jacob's law dictionary defines "inhabitant" to be "a dweller or householder in any place, as inhabitants of the ville are householders in the ville. The word inhabitants includes tenants in fee simple, tenants for life, &c., tenants at will, and he who has no interest but only his habitation and dwelling." But should these authorities not be considered conclusive as to the definition of the word inhabitant, let the constitutions of the several States be examined, and see if, in some of them, the word has not received a construction exactly similar to what is here contended for. The constitution of New Hampshire contains the following declaration: "And every person qualified as this constitution provides, shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation where he dwelleth or hath his home." The constitution of Massachusetts declares that, "to remove all doubts concerning the word inhabitant, in this constitution, every person shall be considered an inhabitant (for the purpose of electing and being elected into any office or place within this State) in that town, district, or plantation, where he dwelleth or hath his home." The constitution of New Hampshire was adopted in 1792, and that of Massachusetts in 1780; the former five years after, and the latter seven years before the formation of the Constitution of the United States; and the word inhabitant is used in these constitutions in the same relation to the members of the State Legislature, that it is in the Constitution of the United States to members of Congress. These constitutions were formed by conventions, in which were many of the most learned and practical statesmen of that day; and the declarations which they contain of the manner in which they intended the word inhabitant should be understood, ought to be considered as settling, conclusively, its true and legitimate meaning. Nearly all the State constitutions require either inhabitancy or residence as one of the qualifications of Representatives in the Legislature; and in those of Delaware, Georgia, and Ohio, a saving clause is inserted in favor of such as may be absent on the public business of the State, or of the United States, thus clearly indicating the opinion that absence from the State divests the person of the character of inhabitant. The act of Congress of the 1st of March, 1790, entitled "An act providing for the enumeration of the inhabitants of the United States," affords another evidence of the same construction of the word inhabitant: the act provides "that the marshals of the several districts of the United States shall be, and they are hereby, authorized to cause the number of the inhabitants within their respective districts to be taken," &c., and by the same act, the marshal is required to make oath that he will cause to be made a perfect enumeration and description of all persons resident within his district, &c. By which it appears that, in the opinion of Congress, at that time, the inhabitants of the respective districts were the persons residing or living therein. The same principle is also recognised in the act of Congress "to establish the judicial courts of the United States," passed in 1789.

In the statement made by the Secretary of State, he refers to the practice of the Legislature of Massachusetts in cases embracing the same principles which are involved in the one under consideration; these, however, cannot be resorted to as precedents, unless it be made to appear that the question has been discussed and decided in that body. The existence of the cases, and suffering them to pass by without investigation, is no evidence that they were in conformity with the constitution of the State. To contest the election of a person who is the choice of the people, is a very unpleasant task, one that few will undertake, and from that cause alone persons not eligible may have been permitted to retain seats in Legislative bodies. But it does not follow from this, that it was not an infraction of the principles of the constitution. But it is contended by Mr. Bailey that, as he was in the employ of the General Government while in this District, and had expressed an intention of returning to Massachusetts, he still remains an inhabitant of that State, but the committee are unable to perceive the force of the reasoning by which this position is attempted to be maintained. It is true that, by writers on the laws of nations, ambassadors and other agents who go out as such from one Government to reside near that of another, are considered as carrying with them the sovereignty of the Government to which they belong; that their rights as citizens are not impaired by such absence, and that children born in the houses they occupy are considered as born within the territory and jurisdiction of the Government in whose service they are. But the analogy between the cases is not discovered; the one is the case of an agent in a foreign country, not possessing the capacity, by residence in that country, to become one of its citizens, or to lose his allegiance to the country from which he comes; the other is that of a person employed in the service of the General Government within its territory, but without the limits of the State of which he claims to be an inhabitant. That which appertains to Ministers of this Government, who represent the sovereignty of the nation in foreign countries, whatever it may be, cannot be supposed to attach to those in subordinate employments at home. The relation which the States bear to each other, is very different from that which the Union bears to foreign Governments; the several States, by their own constitutions, prescribed the conditions by which the citizens of one State shall become citizens of another; and over this subject the Government of the Union has no control; it would, therefore, be altogether fallacious to pretend that the bare holding of an appointment under the General Government, and residing for years in one of the States, should preclude the holder from being an inhabitant and citizen of such State, when, by its constitution and laws, he is recognised as such. How the expression of an intention to return at some future time to the State from which the person had come, can affect the citizenship and inhabitancy thus acquired, is impossible to comprehend. If citizenship in one part of the Union was only to be acquired by a formal renunciation of allegiance to the State from which the person came, previous to his being admitted to the rights of citizenship in the State to which he had removed, the expression of an intention to return would be of importance; but, as it is, it can have no bearing on the case; the doctrine is not applicable to citizens of this confederacy removing from one State, and settling in another; nor can it, in the present case, be considered as going to establish inhabitancy in Massachusetts, when the fact is conceded that, at the time of the election, and for nearly six years before, Mr. Bailey was actually an inhabitant of the city of Washington, in the District of Columbia, and, by the charter of the city, and the laws in force in the District, was, to all intents and purposes, as much an inhabitant thereof as though he had been born, and resided there during the whole period of his life; and the refusal to exercise the rights of a citizen can be of no consequence in the case. It is not the exercise of privileges that constitutes a citizen; it is being a citizen that gives the title to those privileges. But there is one other circumstance attending this case that remains to be noticed, and which, it is presumed, cannot fail to explain the true character of Mr. Bailey's residence in the District of Columbia; the ground he assumes is that, although he was resident in the District, his domicil was his father's house in Massachusetts. Vattel says, (book 1, chap 19, sec. 218,) "The natural or original domicil is that given us by our birth, where our father had his, and we are considered as retaining it till we have abandoned it in order to choose another. The domicil acquired is that where we settle by our choice." A question now presents itself for solution. What shall be considered an abandonment of the natural or original domicil? The reason why the father's house should be considered as the domicil of the son is, that, previous to the marriage of the children, they all constitute but one family, of which the father is the head, and his house their common home, so long as they choose to remain in it; but if the son absents himself for years, and, in the mean time, marries a wife, he then assumes the character of the head of a family himself; and the relation in which he before stood to his father's family is thereby entirely changed, and the original domicil must be considered as abandoned, and a new one established where he and his wife continue to reside. This is precisely Mr. Bailey's case; he had left his father's house in Massachusetts, and taken up his residence in Washington city, where he had remained for nearly six years, and where he was at the time of the election; he had married a wife in this city, and his habitation was with the family of her mother; can he, thus situated, have any reasonable ground on which to claim that he is an inhabitant of Massachusetts? The opinion is entertained by some that the government of the District of Columbia being rather of an anomalous character, a residence here would not carry with it the same consequences that would attend the settlement in one of the States of the Union; but the distinction, as applicable to the present case, the committee have not been able to discover. It has also been suggested that, as the United States have the exclusive jurisdiction over the District, each State may be considered as possessing a part, and that although a person formerly a citizen of Massachusetts, or of any other State, may be resident here, yet he is not out of the jurisdiction of his own State. This is an argument more subtile than sound and conclusive. If that view be correct, the limits of the individual States will be found to be vastly more extensive than was ever heretofore supposed; because the same rule that will apply to the District of Columbia, will also apply to the whole of the territory purchased by the General Government, either from individual States or foreign nations. The doctrine is manifestly erroneous. The rights and interests of the individual States, in every thing of a national character, are merged in those of the General Government, the powers of which, within its sphere, are complete and indivisible.

The committee have carefully, and they trust impartially, considered the subject referred to them; they have examined it in every aspect in which it has presented itself to their minds; they have assiduously endeavored to ascertain the true intent and meaning of that part of the Constitution of the United States by which the case is to be tested and decided; and they have presented to the House some of the reasons which have induced the conclusion to which they have arrived. They regret extremely that the duty which they owe to themselves, to the House, and the nation, would not permit them to accord in opinion with the citizens of that portion of the State of Massachusetts immediately interested in the decision of the question; but believing, as they do, that the choice of that district was made in direct opposition to an express provision of the Constitution of the United States, they respectfully submit the following resolution:

"*Resolved*, That John Bailey is not entitled to a seat in this House."

PETITION AGAINST SITTING MEMBER.

To the honorable the House of Representatives of the United States in Congress assembled:

The undersigned, being inhabitants of the district of Norfolk, in the Commonwealth of Massachusetts, and duly qualified voters for a Representative of said district in the Congress of the United States, do respectfully petition and remonstrate with your honorable body against the return of John Bailey, Esq., as a Representative of said district, in the eighteenth Congress of the United States; and do respectfully pray that the said Bailey may not be admitted to a seat in said Congress as the Representative of said district, for the following reasons:

Because, by the first section of the first article of the Constitution of the United States, it is provided that no person shall be a representative, who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Because, at the time when the election was held, at which the said Bailey was supposed to have been chosen, he was not an inhabitant of the Commonwealth of Massachusetts, but then was, and for many years before had been, and still is, as the undersigned have been informed and verily believe, an inhabitant of the city of Washington, and District of Columbia; and, therefore, was not eligible as a representative of said district or any other district within said Commonwealth, by the express letter, and in conformity with the true spirit and intention of the Constitution of the United States.

Samuel D. Hixon.
Nath'l Leonard, jr.
Oliver Johnson.
Ransel Jones.
Hiram Jones.
Thom. E. Clark.
Charles Richards.
Willard Morse.
Solomon Richards.
George Johnson.
Isaac Johnson.
Joel Johnson.
Luther Gay.
Elijah Glover.
Warren Johnson.
Jedediah Snow.
Thomas Glover.

Certificates in behalf of the sitting member.

In answer to the questions proposed to me by the Committee of Elections of the House of Representatives of the United States, in relation to Mr. John Bailey, I have the honor of stating—

First. That Mr. Bailey was appointed a clerk in the Department of State on the 1st of October, 1817.

Second. That his letter, resigning that appointment, was dated the 21st, and received by me the 23d of October, 1823. His resignation was immediately accepted, and an appointment made to supply his place.

Third. The duties performed by Mr. Bailey were those of a clerk, at the salary of 1,600 dollars a year, that being the highest salary, next to that of the chief clerk, allowed by law. They were different at different periods of his service. During the two or three last years, he had charge of the diplomatic correspondence, the most important and confidential portion of the duties of the office.

Fourth. A certificate of appointment is always given to the clerks in the department, appointed by authority of law. A copy of that given to Mr. Bailey is herewith delivered to the committee.

Fifth. Mr. Bailey's residence, at the time of his appointment, was in the State of Massachusetts, in the district which he has now been elected to represent. On tendering to him the appointment of a clerk in the Department of State, I invited him, in the event of his accepting it, to repair to this city, to take upon him the performance of its duties, which he immediately did. His residence, during the time he held the office, was necessarily in this District; but he never, to my knowledge, exercised any of the rights of citizenship within the District. I always understood him as considering the State of Massachusetts as his home, and his residence here as merely temporary, and occasioned by his necessary attendance upon the duties of his office. At two different periods, he asked my opinion, whether I thought him eligible, as a Representative in Congress for the district in Massachusetts to which he belonged; and I answered him, that I did. Upon one, or both of those occasions, I mentioned to him the general reasons of my opinion, founded upon the common principle of national law, that the *animus revertendi*, or intention of return, constitutes the test of domicil, for the preservation of political rights to persons absent from home; and upon the practice, conformable to this principle, in the Commonwealth of Massachusetts, examples of which were within my own knowledge.

JOHN QUINCY ADAMS.

WASHINGTON, *January* 8, 1824.

In pursuance of authority, under the act of Congress passed on the eleventh day of September, 1789, entitled "An act for establishing the salaries of the Executive officers of Government, with their assistants and clerks," I do hereby appoint John Bailey a clerk in the Department of State.

Given under my hand, at Washington, this first day of October, 1817.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE,
Washington, 10*th January*, 1824.

SIR: In answer to the questions of Mr. Bailey, enclosed in your letter of the 19th instant, I have the honor of stating as follows:

To the first. That I returned to the United States, from Berlin, in September, 1801, after an absence of seven years. I was elected a member of the Senate of Massachusetts in April, 1802.

Second. Mr. Eustis returned from the Netherlands in the summer of 1819.

Third. Mr. Gore returned to the United States, from England, in 1804, and was elected Governor of Massachusetts in 1809.

Fourth. Mr. Benjamin Hichborn and General William Hull were both members of the Senate of Massachusetts in the year 1802 with me. They had both, within five years before that time, been absent in Europe upon their private concerns. Mr. Hichborn's absence had been of several years continuance.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

J. SLOANE, Esq., *Chairman, &c.*

I have been acquainted with Mr. John W. Bailey from my arrival in this city, in January, 1818, to the present time. He has resided in a public hotel, with occasional absences on visits to Massachusetts, until his marriage in this city, which took place about a year since; at which time he took his residence with the family of his wife's mother, where he still remains.

With respect to the exercise of the privileges of a citizen, I know no act which, in this District, can be so entitled, unless it be the voting for city officers at the annual elections, or holding an office in the corporation. I do not know that Mr. Bailey has voted in any case for city officers, and believe that he has never held any office of the corporation. I do not know what is the interest or property which Mr. Bailey has in Massachusetts, the supervision of which he claims as constituting his inhabitancy there.

CHARLES BULFINCH.

Sworn and subscribed to before me, the 13th January, 1824.

J. SLOANE, *Chairman.*

STATEMENT OF MR. BAILEY.

To the Committee of Elections, H. R.

Gentlemen: It was suggested, when I first had the honor of meeting you in session, on the 7th instant, that the true question in my case was the question, *quo animo?* What was my *intention* relative to my residence at Washington? Was it intended to be *permanent*, or only *temporary?* If the latter, my inhabitancy in Massachusetts remained; if the former, it was lost.

I beg leave to state some facts bearing on the question, and to add a few remarks.

It is proper to remark, that those provisions of our constitutions and laws which require inhabitancy as a qualification for holding office, have in all parts of the country, it is believed, received a liberal and not a rigid construction. And it is just that there should be a liberal construction, since there is scarcely the slightest danger of any extensive evil arising from it. We find that in those States where members of Congress are chosen in districts, it is very rare, indeed, that a person is elected who is not an inhabitant of the *district* in which he is chosen, though such inhabitancy is not at all a requisite. Equally rare, probably more so, would be the election of a person not an inhabitant of the State, even if the Constitution of the United States had not made inhabitancy a requisite.

The reason which led our predecessors to establish inhabitancy so generally as a requisite for holding office, was probably this: They had seen the enormous abuses which had taken place in England, connected with the election to Parliament of persons who were almost entire strangers to those whom they represented. Those members were very often the devoted, and often the pensioned supporters of a powerful Ministry. In their minds, therefore, the ideas of non-inhabitancy and of ministerial influence were intimately associated. Hence, the provision of inhabitancy was almost universally engrafted into our constitutions; notwithstanding our more equal representation, the greater number and intelligence of our electors, and the idea, whether true or false, that each section of our country has its peculiar interests, rendered such a provision almost useless.

This view of the probable origin of a provision which in this country seems unnecessary, shows that the liberal construction which by universal consent it receives among us, is a perfectly just and proper construction. The right of suffrage and the settlement of paupers are construed more rigidly, and properly so. A loose construction of the former would tend to defeat the will of a majority of the people; and, of the latter, would impose on them improper pecuniary burdens. But, in the case of eligibility, neither of these evils can result.

This liberal construction is peculiarly proper in relation to the *District of Columbia.* Stronger evidence of an intention to become a permanent inhabitant of it than of any other part of our country, ought to be required before such intention is presumed. It is subject to the *exclusive legislation* of Congress; of a body which is the Legislature of Massachusetts as well as of the District of Columbia. By coming to this District, I came under no new jurisdiction—the jurisdiction of no Government under whose jurisdiction I had not previously lived. Suppose I had been in the Army or Navy of the United States, and been stationed solely and for several years at an island in Boston harbor, subject to the exclusive legislation of the United States: is it believed that I should have ceased to be an inhabitant of Massachusetts? Yet the jurisdiction is precisely the same. And though the inhabitants of the District of Columbia have a right to elect charter officers, even this pittance of a right is held at the mere sufferance of Congress. That body can at any moment revoke the right.

There are several points in the laws regulating the District of Columbia, (such, for example, as the one giving to aliens the power of holding real estate,) which prove that this District was intended as a great thoroughfare of the nation, an estate in joint tenancy, a spot which should form, in a certain sense, a part or appendage of every State in the Union, and which is, therefore, placed under the exclusive jurisdiction of the common Government of these States.

Thus, the very condition and uses of the District of Columbia show the propriety of a liberal construction of the doctrine of inhabitancy, in relation to persons employed in it by the Government.

Another ground of liberal construction is the fact, that there is no person claiming the seat which, it is alleged, ought to be vacated. Were there such a person, liberality to the sitting member might be injustice to him. But none such is found. To vacate the seat would necessarily leave the district without representation for a portion of the session. A liberal construction therefore, gives effect to the right of representation, without injustice to a rival candidate.

If any thing could further show the propriety of a liberal construction in this case, it would be the clandestine and novel origin and progress of the remonstrances before the committee, tending to prove that the whole complaint originated, and has been pursued, from personal motives. Several weeks before the meeting of Congress, a large number of blank remonstrances were printed, and circulated, anonymously, through the post office, addressed to the municipal officers and other persons in the twenty-six towns into which the district is divided, with a manuscript request on the margin to those persons to obtain signatures, and send them to some member of Congress from the State.

About a week after the commencement of the session, two of these papers, together containing twenty-six signatures, were received by a member, in an anonymous letter, requesting him to present them to the House; and they were presented and committed before I knew of their existence. Though this letter had only a fictitious signature, the member who received it is confident that he knows the handwriting. And what shows that the remonstrances were got up from personal motives, and not from zeal to preserve the Constitution inviolate, is the fact that the name of the undoubted writer of this anonymous letter does not itself appear on either remonstrance. Another fact is, that, at the election, the writer of this anonymous letter received nearly the same number of votes, in his own town, as there were names on the remonstrances, which were also from the same town.

When, therefore, we consider that even the genuineness of the signatures is questionable, as they came through an anonymous, and therefore irresponsible channel; that, waiving this objection, still there are but twenty-six remonstrants, equivalent to one elector, in each town, in a district which has several thousand electors; that they are but few more in number than the votes given at the election for the person who obtained and forwarded the signatures, and that they merely express their belief that the person elected was not an inhabitant of the State, sustaining the allegation by no proof whatever, while a contrary belief was expressed, by a thousand electors, in the fact of his election: when we consider all these circumstances, we see much to convince us that these remonstrances originated in personal motives, and very little to convince us that papers of so informal and questionable a character, are entitled to great respect from the House or its committee.

One of the oldest, most experienced, and best informed members of the House, on hearing the circumstances, expressed his belief that *no instance* could be found in which papers of such a character were ever even *received* by the House. If they should not only be received, but be made the ground of the dismission of a member from the House, it would be still more remarkable.

These circumstances, aided by the general reason in favor of a liberal construction before noticed, render it proper that the clear and undeniable will of the people of the district should not be set aside on any other than the most unequivocal grounds. That such grounds do not exist, is, it is believed, most manifest.

The question is, was my residence in Washington intended by me to be permanent, or only temporary? If permanent, my inhabitancy in Massachusetts was lost; if temporary, it was not lost. Mere residence, of itself, cannot destroy inhabitancy. This all admit. Innumerable examples and authorities prove it. Before we infer the loss of inhabitancy, we must show some facts indicating intention of permanent residence.

The testimony of Mr. Adams, that he always understood me as considering Massachusetts my home, and my residence here as merely temporary, joined with the testimony of both Mr. Adams, and Mr. Bulfinch, (witnesses who were not called at my request,) that they never had knowledge of any exercise by me of the political rights of a citizen of the District of Columbia, is a satisfactory proof in my favor, unless some opposite proof can be brought to countervail it.

No such proof, I am sure, can be found. On the contrary, my whole course, during my residence here, has been in entire conformity to this testimony. *And I declare, solemnly and distinctly, that it was always my intention to continue an inhabitant of Massachusetts.* In the civil concerns of the District of Columbia, I have never exercised a single privilege, or been required to perform a single duty of an inhabitant; have never held a local office, or given a vote, or even had the right of voting, and have never owned any real estate, or paid or been assessed in any tax whatsoever. I was at a public hotel till within less than a year before my election, when I was invited to reside in a private family as long as it should be pleasing, keeping, while there, no house, no table, or domestics, but living as one friend would live while on a visit to another friend. On repeated occasions, in conversation and letters, I have expressed the temporary nature of my residence here, and my most intimate friends have distinctly so understood it. My library, consisting of between seven and eight hundred volumes, and constituting nearly all my visible property, I left chiefly (taking with me only a small part for temporary use) in the house of my father, where I had resided, and where they still remain for my use on my return. There, also, I have spent a portion of nearly every Autumn previous to that in which I was elected.

Of these facts I most freely challenge contradiction. They cannot be contradicted with truth. They are already corroborated by testimony now before the committee. Unless, therefore, some testimony should be obtained, which I am sure cannot be obtained from honest persons, the conclusion is irresistible that my intention was to make a merely temporary residence. And I venture to say that, if inhabitancy is not retained by an absentee, for a term of years, under such circumstances as these, it would be impossible for him to retain it under any circumstances whatever.

That the inhabitants of Norfolk district considered me as also an inhabitant, is proved by several facts. A few days before a meeting of citizens to nominate a candidate, I was written to, and asked if I were willing to be supported as a candidate. The reply was affirmative. The meeting was probably the largest ever held in the district on a similar occasion, every town having been represented, and the nomination was supported by nearly three-fourths of it. And, at the election, though there were several candidates, the successful one had a decided majority over all the others, in coincidence with the principle governing elections in the Eastern States. These facts occurred, too, in a State in which there has never been known a single instance of the election to Congress of a person who was not an inhabitant of the very *district* in which he was chosen. They clearly show the opinion of that portion of the Union, who probably best knew the nature of my connexion with it, and who certainly were most interested to prevent an improper choice. They undoubtedly supposed that a person who was a native of that district, whose immediate connexions nearly all resided in it, and who had represented a portion of it in the State Legislature for several years, could not be held to have expatriated himself, without some clear and unequivocal proof, of which none whatever existed. They had seen me go to a neighboring State, Rhode Island, and spend four years at college in my education, and then return to my native district. They had seen me, at the end of a year revisit the same college, and spend six years there as one of the instructors, and then return again to my native district. And though they had, at the time of the election, seen me employed nearly as long by the Government at Washington as I had been, in the second instance, in Rhode Island, they did not doubt that my attachment to my native district continued, and that my avowed intention to return was sincere; nor could they, for a moment, doubt that the House of Representatives of the United States would give the same liberal construction of the doctrine of eligibility, which all preceding Houses, and all our State Legislatures, except when under violent excitements, had uniformly given.

The principle of my eligibility is supported by numerous precedents. Precedents, on this point, though not abstractly and absolutely conclusive, are yet of great weight. They are important as guides of action to individuals. Suppose a person elected to a seat in Congress, under circumstances creating some doubt of his eligibility; and suppose he holds, at the time, an office incompatible with such seat, which he must resign if he accept the latter. He looks to precedents in similar cases, and finds that they all sanction the belief of his eligibility, and he accordingly resigns his previous office, and with it his immediate means of living, on the faith of these precedents. It would be plainly improper to set aside all these precedents, and eject the member from his seat, without the clearest and strongest reasons.

It is admitted that no precedents are found of cases exactly similar to the present. In truth, no two cases can ever be found exactly similar. The object, then, is to find the cases most resembling the one in question. These cases, in every instance that has met my view, without an exception, are in my favor. Not a single case, resembling the present, has been decided unfavorably.

The Constitution of the United States declares that a person elected a member of the House of Representatives must be an inhabitant of the State in which he is chosen; leaving each State, it is presumed, to determine what shall be its own terms of inhabitancy. What are the terms of inhabitancy in Massachusetts?

The constitution of Massachusetts, having been formed before the Constitution of the United States, and even before the completion of the Old Confederation, does not provide for cases of employment in the service of the United States; nor do its laws, it is believed, make any such provision. In practice, however, many cases have occurred; and they all, without one exception, speak the same language, that of liberal construction.

The present Governor of Massachusetts resided several years in Europe as a Minister of the United States; and in about four years after his return was elected the Governor, though the Constitution requires inhabitancy for seven years next preceding the election. Mr. J. Q. Adams resided seven years in Europe, in a similar capacity; and in a few months after his return was elected to the Senate of Massachusetts, though the constitution requires inhabitancy for five years next preceding.

It has been said that the case of a Minister of the United States is not applicable to the present question, as he is said to "carry his country with him." It is scarcely to be believed that, at the present day, such a technicality, a mere legal fiction, will be seriously urged to defeat the clearly expressed will of the people. The utmost that can be said in favor of the Minister is, that he is exempt from the ordinary operation of the laws of the country in which he resides. But it might be doubted whether the exemption is much greater than has been enjoyed in the case in question. But, suppose the exemption greater; how is it possible that a little more or less of such exemption shall have so important a bearing on a person's political rights, that one shall retain his inhabitancy five thousand miles distant from his residence, while another loses his inhabitancy at a distance of five hundred? The distinction is indefensible.

It has been said that the tenure of office is different. In what consists the difference? One is appointed by the President and Senate, the other by the head of a department. Both are removable at pleasure; both have the privilege of resignation; both are subject to the abolition of office; and both continue for life, when neither dismission, resignation, nor abolition of office takes place. There is, therefore, no difference in the tenure of office, that can create a difference of political rights.

It has been said that one has an appointment of *honor*, while the other has not. Under a *republican* Government, this distinction seems not at home. It cannot be correct. The *grade* of the office cannot vary the *rights* of the man.

It may be said that we are bound to presume in a Minister an intention of returning when he gives up the duties of his station; as his residence afterwards in a foreign country would be attended with fewer political privileges than he would enjoy in his own country, as well as by a deprivation of the society of his relations and friends. The same intention we are equally bound to presume, in the case of giving up employment at Washington, as a further residence in it would be attended by a similar loss of former society, and by a still greater diminution of political privileges, a mere shadow of privilege being all that remains.

Under every aspect of the subject, therefore, no reason presents itself for viewing the case of a Minister as different from the case in question.

But other cases than those of Ministers are found. Mr. Gore, after having resided many years in England, as a commissioner under our treaty with Great Britain of 1794, returned in 1804, and was elected Governor of Massachusetts in 1809, notwithstanding the requisition of inhabitancy for *seven* years next preceding. He was not a Minister, and therefore carried no country with him. Suppose his election had been contested on the fact of his absence; what would have been the reply? It would have been said, and said justly, that absence, without any evidence of an intention of making it permanent, could not destroy previous inhabitancy. But no contest was attempted. Mr. Hichborn returned from Europe, after an absence of several years on *private* business, and was elected to the Senate of Massachusetts in 1802, long before the expiration of the five years. And, in 1818, Mr. Crowninshield was strongly supported as a candidate for the office of Governor, without a question of his eligibility being made, though he was at that time, and had been for several years, residing at Washington, and discharging his duties as Secretary of the Navy.

The person whose seat is now contested, returned to his native town in October, 1814, after residing several years as an instructor in the college at Providence, Rhode Island. In May, 1815, he was elected to represent that town in the State Legislature, though inhabitancy in the town for one year next preceding the election is required. Some of his political opponents took the advice of an eminent lawyer, on the question of contesting the election. The advice was against it, and nothing was done. This is a stronger case than the present, as the employment was private, and not by the Government. But as it was in a literary institution, unaccompanied by civil duties or rights, it was deemed that inhabitancy in his native town was not destroyed by it.

These instances prove that if the present case were to be decided by the rules and practice of Massachusetts, no doubt of eligibility would exist. Not a single precedent to the contrary is found.

If it be said that it must be decided by the rules and practice of the United States, and not of the particular State in which the person is chosen, the precedents are equally strong. Not one is found unfavorable.

We find a member of the present Congress holding his seat uncontested, though he was elected while residing in Spain as Minister of the United States, though he had been a resident of that country for several years previous, and though his family were residents of the District of Columbia for the first two years of that period, and of Spain for the remainder.

We find Philip Barton Key holding his seat many years ago, under circumstances which prove that a liberal construction of the doctrine of inhabitancy is the practice of Congress.

We find that, recently, Captain Hull, of the Navy, who was at the time, and had been for eight years, a resident of Charlestown, in Massachusetts, was styled, in the proceedings of a court of the United States, as of Connecticut, which was his native State; and that a plea in abatement, which was at first filed, was afterwards abandoned as untenable.

We find the Heads of Departments, though residents of the District of Columbia, universally considered as inhabitants of the States, respectively, of which they were inhabitants before appointment. We find Mr. Crawford nominated by the President to the Senate, and commissioned as of Georgia, though he had for nearly two years before been a resident of the District of Columbia. We find Mr. Rush nominated and commissioned as of Pennsylvania, though he had been for several years a resident of the District of Columbia, as Comptroller of the Treasury. And, what is more emphatically to the point, we find Mr. Pleasanton, to whose situation in the Department of State I succeeded, nominated and commissioned as of Delaware, though he had been for sixteen years a resident of the District of Columbia.

We find our greatest and most experienced statesmen, men who stand in the front rank of past and present official stations, as well as of intelligence and integrity, expressing freely, and distinctly and unitedly, the opinion that simple employment at Washington does not at all destroy previous inhabitancy elsewhere.

We find in the constitution of Kentucky the following principle: "Absence on the business of this State, or the United States, shall not forfeit a residence once obtained." The same principle is recognised, to a greater or less extent, by the constitutions of New York, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Tennessee, Georgia, Louisiana, Mississippi, and Alabama. The general election law of Virginia has the following enactment: "No person inhabiting within the District of Columbia, or elsewhere, not within the jurisdiction of this commonwealth, shall be entitled to exercise the right of suffrage therein, except citizens thereof, employed abroad in the service of the United States, or of this commonwealth, and whose foreign residence is occasioned by such service." This law is more specially deserving of notice, as it respects not eligibility, but the right of suffrage, which is universally, and very properly, construed more rigidly than the former.

We find in the Constitution of the United States itself, the doctrine plainly implied, that inhabitancy and actual residence are entirely distinct. That Constitution requires that a Senator or Representative in Congress shall be an inhabitant of the State he shall represent. But, in the case of President, it requires that he shall have been fourteen years a resident within the United States. Uniformity would have demanded either that residence should be the requisite for a Senator or Representative, or that fourteen years of inhabitancy should be the requisite for a President. But, as the high importance of the trust reposed in a President of the United States, makes long familiarity with the nature and operations of our institutions indispensable, and as a person might be for fourteen years an inhabitant of the United States, in the legal sense, without being an actual resident for half that period, it was judged proper that actual residence should be the test. And as, on the other hand, some of the most intelligent inhabitants of a State may be temporarily absent in the service of their country at the time when a Senator or Representative is to be elected, it was judged proper that inhabitancy only, and not actual residence, should be the test.

This view is supported by the journals of the Convention of 1787. We there find that, in the early draughts of the Constitution, the qualification for a Representative or Senator was *residence*, but afterwards changed to *inhabitancy*, while that for a President was at first inhabitancy, but afterwards changed to residence. The fact is remarkable, and shows that the framers of the Constitution made a clear distinction between inhabitancy and mere residence.

These facts, showing the practice of Congress, of the Executive, and of the courts, the opinion of our greatest and wisest men, and especially the general will of the nation, as expressed in their constitutions and laws, comprise a body of public sentiment, which is irresistible, while not a single important fact is found favoring the opposite doctrine. If these facts be added to the positions already established, that the great question is that of *intention*, and that my intention was obviously that of a temporary residence, it is believed that the Committee and the House will be unanimous in the opinion that my eligibility is established.

If, however, any doubt remains, it must be removed by one rule of decision, which in a free Government should never be disregarded. The distinctly expressed will of the people ought never to be set aside on a merely doubtful principle. The principle should be clear indeed, which is vindicated at the expense of this will. As I am sure that the principle is not thus clear *against* me, I cannot, for a moment, doubt that the decision of the Committee and the House will give the will of the people its due effect.

These remarks are grounded on the point suggested when I had the honor of meeting the committee before, that the great question to be decided is the *intention*. If any other point be deemed important, I respectfully request that I may be informed.

JOHN BAILEY.

JANUARY 28, 1824.

Postscript.

GENTLEMEN: The preceding remarks were grounded on the understanding that the real question before the committee was the question, *quo animo?* Yesterday, however, I was informed, for the first time, that there was a change of opinion in the committee, and that they now considered that question as not applicable to my case. Though I am still persuaded that that is the real and only question, and am fortified in this persuasion by the highest authorities, all concurring to establish the point, yet some observations will be made in reply to several other points.

1. It is said that though I am unquestionably a *citizen* of Massachusetts, yet I am not an *inhabitant*, there being a distinction between the meanings of those two terms.

Perhaps it would be difficult to draw very clearly this distinction, since the terms appear to be used quite synonymously in the articles of the Confederation, in many of our State constitutions, and in numerous works of high authority. But suppose the distinction exists. I have attempted no argument whatever, on any supposed identity of their meaning. I have adduced precedents, and added some observations to show that I am an *inhabitant* of Massachusetts, according to the Constitutional sense of the term. If the precedents and observations have any force, they tend to prove my inhabitancy, without any attempt to blend this question with that of citizenship.

2. It is said that the Constitution of the United States required inhabitancy of the State, in order to prevent the influence of the State governments from being merged in that of the General Government.

We will not stop to enforce the remark that this reason applies as strongly to all our foreign Ministers as to the case in question. The conclusive reply to the proposition is, that nearly all the States, whose constitutions have been framed since that of the United States, have expressly provided that absence from those States in the service of the General Government shall *not* be a disqualification for certain given offices. And *Virginia*, whose zeal in defence of the rights of the States is second to none, has established the liberal principle that its citizens shall enjoy even the more rigidly construed right of suffrage, though residing in the District of Columbia, provided such residence is occasioned by their employment in the service of the United States.

It would be a singular spectacle to see the General Government become the champion of the rights of the States, in opposition to the explicit regulations of the States themselves.

3. It is said that a person, who is for years absent from his home, loses his inhabitancy, unless he leaves there something which requires his attention or supervision.

It may properly be asked, in the first place, if this be not a perfectly arbitrary principle, unsupported by any authority whatever.

It may be said, in the next place, that the position is erroneous. No such fact is essential. It is merely one of the many evidences tending to prove an intention to return. The intention may often, however, be sufficiently proved by other circumstances, where this does not exist.

In the next place, it may be replied, that the fact does exist in the case in question. Nearly all my library was left; which fact is perfectly unaccountable, except on the ground that I intended to return. Though this may seem trifling property to those whose fortunes are splendid, yet, as it happened to be the owner's all, its humble nature is as significant in its application to the present question, as would be the treasures of the affluent.

4. It is said that merely an expression of an intention to return to one's former residence is not sufficient to sustain inhabitancy.

This has never been contended. The principle asserted is, that when such intention has been expressed, and when the whole train of circumstances unite to corroborate that expression, particularly the mere disconnexion with the civil concerns of the temporary place of residence, then, previous inhabitancy is not lost.

5. It is said that inhabitancy, in the meaning of the Constitution, is the mere fact of living at a place; as a head of a department lives at Washington; as a Minister of the United States lives at a foreign Court; or, as a member of Congress lives at Washington during the session.

That such a doctrine as this should be seriously entertained, is indeed remarkable. Its hostility to all known authorities and precedents, to the express provisions of our State constitutions, and to the clear opinions of our soundest statesmen and jurists, is too glaring for comment.

We must then revert to the original question, and the real question in the case—Did I take up my residence here, with the intention of making it my permanent residence, or not? To attempt to evade this question, and substitute some other, the fiction of our own minds, is doing injustice to the rights of the community.

If we go to foreign authorities, (though it is doubted whether the question be not too purely American,) we find the following:

"The domicil is the habitation fixed in any place, with an intention of always staying there. A man does not then establish his domicil in any place, unless he makes sufficiently known his intention of fixing there, either tacitly, or by an express declaration." Vattel, b. 1, ch. 13, sec. 218.

If we take the highest American judicial authority, we have this:

"Domicil is a residence in a country, with the intention, either tacitly or expressly declared, of making it a permanent place of abode."

"If a party has made no express declaration as to his intention of permanently residing in a country, his acts must be attended to, as affording the most satisfactory evidence of his intention."—8 Cranch, 278, 279.

Authorities might be multiplied to prove that this intention has always been held to be the true test of inhabitancy. All our tribunals, whether legislative or judicial, prove it. To create a new principle for the present case, would be manifestly unjust.

JOHN BAILEY.

February 17, 1824.

THE TARIFF BILL.

The resolution yesterday offered by Mr. Owen, proposing certain inquiries by the Committee of Ways and Means, respecting the operation of the proposed tariff, &c., was taken up.

Mr. Brent, of Louisiana, rose in support of the resolution—the object of which, he said, was not to procrastinate the debate, but to procure information which ought to be possessed before a vote could properly be given on the bill. He insisted that the subject came appropriately within the cognizance of the Committee of Ways and Means, and a report was the more wanting because some, even of the friends of the bill, had declared that if it led to internal taxation, they would oppose its passage. It had been urged that the nation were already in full possession of the subject, and that Congress possessed already, from the discussions of last year, all necessary light on the subject; but this did not appear to be the case since some had professed to have received, already, from the discussion thus far, had on the details of this bill, more information than they got from all the long discussions of last session on the general measure. Mr. B. concluded with repeating the profession of his friendly disposition towards manufactures and their protection, provided other interests of society were not to be sacrificed.

Mr. **MALLARY**, of Vermont, objected to the inquiry proposed in the resolution, as it could not, in his opinion, aid the main object before the House. It was impossible for the committee to make any useful or certain report till the bill had gone through its last modification; and he was confident the effect of the resolution would only be to procrastinate a decision, without rendering it any more correct. If once the inquiry was given to this committee, we should soon hear gentlemen say, they "could not proceed till they had the report—why urge the discussion—a committee has the subject under consideration, let us wait to hear what is their conclusion; and when obtained, it would be a mere opinion, and would bind nobody. Besides, if the Committee of Ways and Means must report the operation of the bill on revenue, other gentlemen might urge that the Committee on Agriculture should afterwards tell the House how it would affect that interest, and when they had reported, some other gentlemen would be very anxious for a similar report from the Committee on Commerce, and thus we were to proceed till the session was wasted away, and then put off the bill because it was too late to act upon it

Mr. **CULPEPER**, of North Carolina, observed, that the objections urged by the member last up, rather went to confirm him in his support of the measure. If so much information was needed, ought not the House to pause before they went into the measure?

Mr. **STEWART**, of Pennsylvania, could perceive no good consequence likely to arise from the resolution. It would be impossible for the Committee of Ways and Means, or any other committee, or any human being, to say precisely what would be the practical operation of all the parts of so extensive a bill—what articles would cease to be imported, or whether the proceeds of duties would be diminished or increased on each item. It must be mere conjecture after all, and would be governed by gentlemen's feelings with respect to the bill. The gentlemen were in the House and could hear their conjectures and opinions, as well on this floor as in a report; but as to the Committee of Ways and Means, the House had already the opinion of its chairman—(who probably expressed the opinion of the committee) that protecting duties to manufactures would increase instead of diminishing the revenue. Mr. S. concluded by moving that the resolution lie on the table; but afterwards consented to withdraw this motion.

Mr. **WICKLIFFE**, of Kentucky, said he had, on a former occasion, professed himself friendly to manufactures. He still felt so—but his situation in life had not afforded him the same opportunity as some of the gentlemen possessed, of becoming acquainted with the operation of such a bill as that now proposed, on the revenue. He wished for information. It was true the table had been crowded with memorials for and against the measure; but it would be a task to read one half of them—yet he could not vote blindfold. He thought that there would be time to digest the report before near all the speeches now in embryo on the subject, had reached their birth. It had been said, and he wanted to know if it was true, that the bill would strike off, at a blow, a great sum from the revenue.

Mr. **TRIMBLE**, of Kentucky, thought nothing would be gained by the resolution. He must correct an error into which gentlemen had fallen. They seemed to represent it as a thing conceded by the friends of the bill, that it was to diminish the revenue. He protested against any such idea. The friends of the bill made no such concession. On the contrary, if he could not demonstrate that it would increase the revenue from three to five millions of dollars, in three years, and beat down completely all arguments to the contrary, he should think he had taken leave of his senses. On that subject, weak as were his powers, he was willing to meet a Hercules, (and he knew that this House contained such.) If gentlemen hardened their ears, and would not be convinced, there was, to be sure, no convincing them. The measure had been before the House since 1789, and no reference had ever before been proposed to committees, to learn its operation. He had the deepest respect for the chairman of the Committee of Ways and Means, but if that gentleman should declare, that the tariff bill would impair the revenue, he would not believe him. He would bow to no man's calculations. Even those of Mr. Madison, when laid before this House on a former occasion, were not received as being wholly correct, or as final authority. But if gentlemen wanted the opinion of an individual on the subject, the proper officer to apply to was the Secretary of the Treasury. He was at the head of the finances of the country, and ought to be competent, if any man should be, to give the information now sought for.

Mr. **INGHAM**, of Pennsylvania, then rose, and said that, although disposed to accord with any gentleman in seeking to obtain important and necessary information, he thought that the present resolution proposed to go out of the ordinary and settled course. He conceived it to be in contravention of the principles on which the standing committees of this House were organized. They were appointed to devise means for effecting any end proposed by the House—especially the Committee of Ways and Means, whose name appropriately described the ends of its appointment. If any measure determined on in the House should be found to affect the revenue, it was then the duty of that committee to propose the remedy. But while a measure was pending here, the duties of that committee, in relation to it, were suspended till the House had acted. As to a decrease of revenue being produced by this bill, if it should be shown that the bill went to increase the actual wealth of the country, he was under no apprehensions for the revenue. The bill, in that case, could at most only change the mode of collecting it. The usual reports on subjects of revenue had hitherto been received from the Secretary of the Treasury; and, should the House agree to apply to the Committee of Ways and Means, that committee would have at last to go to the Secretary of the Treasury for the facts.

[Mr. Owen here said he was willing to modify his resolution in any manner so as to attain his object.]

Mr. Ingham replied, it was not his intention to move such an amendment, nor could he support the resolution, even if so modified. The result could be nothing more than vain speculations. Who could tell whether the amount imported or consumed would remain the same as now? Besides, there was one large class of articles on which no specific calculations could be made—he meant those on which ad valorem duties were imposed. Cotton bagging, for instance, belongs to a large class of hempen goods, and cannot be separated in its result from the rest, with any accuracy at all. The bill, as now shaped, was a compound of a bill for revenue and a bill for protection. He somewhat doubted the policy of such an amalgamation, but it was now done, and he should not oppose it. All the changes which it proposed, from ad valorem to specific duties, belonged to that part of the bill which went to increase the revenue. The measure, nearly in its present form, had been before the nation since 1820, and if gentlemen wanted information they ought to have asked for it at an earlier stage of the discussion.

Mr. Garnett said that, though the information was important, the mode of obtaining it was not so; and since the gentleman from Kentucky had so kindly proffered demonstration upon the subject, he proposed that the House should apply to that gentleman in preference either to the chairman of the Committee of Ways and Means or the Secretary of the Treasury. He preferred certainty to speculation; and, as the gentleman had it in his power to give the House demonstration, he should think very hardly of him if he refused it. The gentleman has told us that an increase of duty produces an increase of tax—a principle for which the House were certainly indebted to him. But, as to the effect of duty upon revenue, we had an example before us in the case of England, from which it appeared that an increase of duties did not always produce an increase of revenue. In the case of teas, and he believed several other articles, when the duty was raised the revenue was diminished, and when the duty was afterwards diminished the revenue increased. The experiment had been several times repeated, and with the same result.

He presumed the gentleman from Kentucky would not say that duties absolutely prohibitory would increase the revenue; but, as he was possessed of full information on the whole subject, and prepared to demonstrate, the House certainly needed nothing from the Committee of Ways and Means.

Mr. Trimble said that the only reason why he had not gone into the demonstration was, because the general effect of the bill had not yet come up for discussion. He could not well introduce it on a motion *about figs and oranges*. But if the gentleman from Virginia would go with him into a committee-room, (it would take up too much of the time of the House,) if he did not convince him, before he rose, that this bill would increase the revenue, then he would agree to vote with that gentleman; unless, indeed, the gentleman hardened his ears.

Mr. Garnett replied, that he should have said nothing about figs and oranges, had he not perceived that *wheat* was in the bill.

Here the debate was arrested by the Speaker, who announced the orders of the day.

MILITARY APPROPRIATION BILL.

The House then again resolved itself into a Committee of the Whole, (Mr. Taylor in the Chair,) on the bill making appropriations for the military service of the United States for the year 1824.

The following blanks in the bill were filled up:

For contingencies of the Army -	$20,000
Armories - - - -	360,000
Ordnance service - - -	42,000
Pensions to Revolutionary pensioners - - - -	1,291,716 39

Mr. Breck here made some remarks, not on the amount of this item, but on the want of punctuality in the payment of the pensions. They were, professedly, to be paid in March, but were often not paid till June; by which distressing disappointments were sometimes suffered by aged and infirm soldiers; insomuch, that they had in some cases assigned their right to receive their pension, at a discount of twenty per cent., to persons who took an ungenerous advantage of their necessities.

Mr. McLane explained this delay as attributable not to the Department of War, but to the late period at which the annual appropriation bill sometimes passed this House.

For pensions of invalids, commutation pensioners, and widows and orphans -	$313,174 42
Arrearages in War Department	26,000 60
Arming the new fortifications -	100,000 00

Much conversation took place on this item between Messrs. Cocke, McLane, and Hamilton. The report of Colonel Bomford was read, explanations were given, and inquiries proposed; when, finally, on motion of Mr. McLane, this item was stricken from the present bill, (with a view to its insertion in the other appropriation bill, at the close of the session, by which time farther information would be obtained.)

The Committee then rose, and reported the bill with the amendments.

The questions being successively put, on concurring in the several amendments—

Mr. Cocke moved further to amend the bill by striking out therefrom the following paragraph :

"For the purchase of Gridley's farm, ten thousand dollars : Provided such farm shall not be purchased, unless the same shall be procured for said ten thousand dollars."

Mr. Randolph moved to amend the said paragraph, by inserting therein, after the word *farm*, these words, "with the consent of the State of New York."

And, on the question to agree to this latter motion, there appeared—yeas 85, nays 84, as follows :

Yeas—Messrs. Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, Bailey, P. P. Barbour, Bartlett, Bassett, Blair, Brent, Brown, Buck, Burton, Cambreleng, Campbell of Ohio, Cary, Cocke, Conner, Crafts, Culpeper, Day, Dwinell, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Frost, Fuller, Garrison, Garnett, Gazlay, Gist, Hall, Hayden, Hayward, Herrick, Hogeboom, Houston, Jenkins, J. T. Johnson, Kidder, Kremer, Leftwich, Lincoln, Litchfield, Livermore, Long, McCoy, McKim, Mangum, Mallary, Marvin, Matlack, Metcalfe, Morgan, Nelson, O'Brien, Randolph, Reed, Richards, Rose, Saunders, Sandford, Sharpe, Sibley, Arthur Smith, Spaight, A. Stevenson, Taylor, Ten Eyck, Tracy ,Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Van Rensselaer, Van Wyck, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood.

Nays—Messrs. Abbot, Allison, Baylies, Bartley, Beecher, Breck, Buchanan, Cady, Cassedy, Condict, Cook, Craig, Cushman, Cuthbert, Durfee, Dwight, Edwards of Pennsylvania, Findlay, Forsyth, Forward, Govan, Gurley, Hamilton, Harris, Henry, Herkimer, Holcombe, Ingham, Isacks, Jennings, Johnson of Virginia, F. Johnson, Kent, Lathrop, Lawrence, Little, Livingston, Locke, McArthur, McDuffie, McKean, McLane of Delaware, Markley, Martindale, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Neale, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Prince, Reynolds, Rich, Rogers, Ross, Sloane, William Smith, Standefer, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Test, Tod, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Whipple, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Woods, and Wright.

The Speaker voted with the nays, and, thereby producing an equal division, the question was decided in the negative.

The question was then taken on the motion made by Mr. Cocke, to strike out the said paragraph, and was determined in the negative—yeas 57, nays 123, as follows :

Yeas—Messrs. Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, P. P. Barbour, Bassett, Bradley, Buck, Burton, Campbell of South Carolina, Campbell of Ohio, Cary, Cocke, Conner, Crafts, Culpeper, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Gazlay, Gist, Hall, Herrick, F. Johnson, Kidder, Kremer, Leftwich, Livermore, Long, McCoy, Mangum, Matlack, Matson, Metcalfe, Prince, Randolph, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, William Smith, Spaight, Standefer, A. Stevenson, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Vance of Ohio, White, Wickliffe, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Abbot, Allen of Tennessee, Allison, Bailey, Baylies, Bartlett, Bartley, Beecher, Blair, Breck, Brown, Buchanan, Cady, Carter, Cassedy, Clark, Condict, Cook, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Findlay, Foote of New York, Forward, Fuller, Garrison, Gatlin, Govan, Gurley, Hamilton, Harris, Hayden, Hayward, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, Kent, Lathrop, Lawrence, Lincoln, Litchfield, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKim, McLane of Delaware, Mallary, Markley, Martindale, Marvin, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed, Reynolds, Richards, Rogers, Saunders, Sharpe, Spence, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Udree, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whitman, Whittlesey, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The bill was then ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama ;" in which bill they ask the concurrence of this House.

Mr. Van Rensselaer moved that, when the House adjourns, it adjourn to Monday next.

An attempt was made to take the yeas and nays on this question, but did not succeed ; and the question being put on Mr. Van Rensselaer's motion, was carried—ayes 99. And then the House adjourned.

Monday, February 23.

Mr. Fuller presented a memorial of Joseph Stroud, of the city of Westminster, in the county of Middlesex, in England, mariner, and Martha his wife, the only surviving child and heiress at law of Jonathan Carver, formerly of the United States, but lately of the city of London, deceased, praying that a petition, which has been heretofore presented to Congress, on behalf of some pretended heirs of said Carver, may be disposed of, and that the right of the said Martha may be recognised to a large tract of land on the river Mississippi, near the Falls of St. Anthony, and that measures may be taken by the Government for the protection and recovery of the estate and effects, in America, late of the said Jonathan Carver, deceased.

Mr. Test presented a memorial of the General Assembly of the State of Indiana, praying that some relief may be devised and granted to those who purchased public lands, and which became forfeited to the Government, together with the payments thereon, previous to the passage of the act for the relief of purchasers of public lands before the 1st of July, 1820.

Mr. Prince presented a resolution adopted by the General Assembly of the State of Indiana, "relative to taxing lands within that State."

The said memorials and resolutions were referred to the Committee on the Public Lands.

Mr. Cuthbert presented a memorial of sundry inhabitants of the city of Savannah, in the State of Georgia, setting forth, that they are natives of foreign countries, and, upon their arrival in the United States, reported themselves to the clerks of the Courts of the United States, and signed a declaration of their intention to become citizens of the said States. That they have taken the necessary oaths, and have ever since, until lately, esteemed themselves citizens of the United States. That it appears, by a decision recently given by the District Courts of the United States, for the district of Georgia, that, in consequence of not reporting themselves, and signing the declaration beforementioned, in open court, their acts of naturalization are illegal, and they are declared to be aliens, and praying that an act may be passed to legalize the acts by which it was supposed they became citizens of the United States, respectively.

The Speaker presented a petition of sundry counsellors and attorneys at law, admitted as practitioners in the Court of the United States, for the Seventh Circuit, and Kentucky district, representing the numerous defects which, in their opinion, exist in the judicial establishment of the United States, and praying for a re-organization, amendment, and extension of said system, in the manner therein specified and set forth.

The said memorial and petition were referred to the Committee on the Judiciary.

Mr. Jennings presented to the House resolutions adopted by the General Assembly of the State of Indiana, approbatory of the sentiments contained in the Message of the President of the United States to the two Houses of Congress, at the commencement of the present session, in reference to the relations between the United States and foreign governments; which were laid on the table.

Mr. McLane, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act to secure the accountability of public officers and others," reported the same, with an amendment; and the bill was committed to a Committee of the Whole.

The Speaker laid before the House the following communications:

I. From the Secretary of War, transmitting a report of the Second Auditor of the Treasury, relative to the accounts for disbursements in the Indian Department, prepared in compliance with the 3d section of the act of the 6th of May, 1822; which was referred to the Committee on Indian Affairs.

II. A report from the Secretary of War on the petition of John Stone; which was laid on the table.

III. From the Secretary of the Treasury, transmitting copies of the reports rendered to the Treasury Department by the incorporated banks in the District of Columbia, showing the state of their affairs on the 31st December, 1823; which were laid on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of James Johnson; in which they ask the concurrence of this House.

Engrossed bills, of the following titles, to wit: An act making appropriations for the military service of the United States, for the year 1824; An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida; were respectively read the third time, and passed.

Bills from the Senate of the following titles, viz.: 1st. An act to regulate the surveying of public and private lands, in the southern part of Alabama; 2d. An act for the relief of James Johnson; were respectively read the first and second time, and referred, the first to the Committee on the Public Lands, the second to the Committee of Claims.

EXECUTIVE MESSAGES.

The following Messages were received from the President of the United States, viz:

FIRST.

To the House of Representatives of the United States:

The House of Representatives, on the 12th instant, having "resolved that the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott, for the government of the Army, are now in force in the Army, or any part thereof; and by what authority the same has been adopted and enforced," I, herewith, transmit a report from the Department of War, which contains the information required.

JAMES MONROE.

Washington, *Feb.* 23, 1824.

Department of War, *Feb.* 16, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, requesting the President of the United States to inform that House "whether the rules and regulations compiled by General Scott, for the government of the Army, are now in force in the Army, or any part thereof, and by what authority the same has been adopted and enforced," has the honor to state that, after the repeal of the 14th section of the act of the 2d of March, 1821, which established the book of rules and regulations compiled by General Scott for the government of the Army, the President caused the said book of rules and regulations to be continued in force, by general order, a copy of which is, herewith, enclosed.

Respectfully submitted. J. C. CALHOUN.

Adj't General's Office, *May* 22, 1822.

Orders: The fourteenth section of the act of the 2d of March, 1821, having been repealed by the act of the 7th of May, 1822, "the general regulations for the Army" rest solely on the sanction of the President of the United States. The said regulations are, therefore, continued in force by his authority, in all cases where they do not conflict with positive legislation.

By order: CHARLES J. NOURSE,
Acting Adjutant General.

The Message and report were ordered to lie on the table.

SECOND.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives, of the eleventh instant, requesting the President of the United States "to inform this House if the line intended to constitute the Western boundary of the Territory of Arkansas, has been run, in conformity with the provisions of the third section of the act of Congress, of the 3d March, 1823, entitled 'An act making further appropriations for the military service of the United States, for the year 1823, and for other purposes;' and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of the provisions of the law, and what causes have prevented said line from being run," I herewith transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February* 23, 1824.

DEPARTMENT OF WAR, *Feb.* 13, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 11th instant, requesting the President of the United States "to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas, has been run, in conformity with the provisions of the third section of the act of Congress, of the 3d of March, 1823, entitled 'An act making further appropriations for the military service of the United States, for the year 1823, and for other purposes;' and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of the provision of the law, and what causes have prevented said line from being run," has the honor to state, that the line referred to by the resolution of the House, has not been run. Shortly after the termination of the last session of Congress, General Thomas Hinds, of Mississippi, and Mr. William Woodward, of the Arkansas Territory, were appointed Commissioners to hold a treaty with the Choctaw Indians, for the purpose of carrying into effect the provision of the act abovementioned; and communications were addressed to them by this Department, notifying them of their appointment, and enclosing instructions for their government. The communication for General Hinds, (who was directed to make the principal arrangements for the treaty,) it appears, never reached him, owing to some failure of the mails, or other cause, unknown to this Department; that for Mr. Woodward, was received by him, of which, however, the Department has only been apprized since the meeting of Congress. Owing to these causes, the proposed treaty with the Choctaws was not held; and, consequently, the line, which depended on the arrangement to be made by the treaty, could not be run.

It may be proper to state, that the Choctaw nation has applied for permission to send on a deputation to Washington, (the object of which is stated to be, to treat with the Government on the subject of their lands west of the Mississippi,) which has been granted; and it is hoped that a suitable arrangement may be made, so that the line may be run the next Summer. All of which is respectfully submitted.

J. C. CALHOUN.

The Message and report were ordered to lie on the table.

THIRD.

To the House of Representatives of the United States:

The House of Representatives, on the 26th ultimo, having "resolved, that the President be requested to cause to be laid before the House an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of Columbia, or Oregon river," I herewith transmit a report of the Secretary of War, which contains the information required.

JAMES MONROE.

FEBRUARY 29, 1824.

DEPARTMENT OF WAR, *Feb.* 17, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 26th January last, requesting the President of the United States to cause to be laid before this House "an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia or Oregon river," has the honor to transmit, herewith, a report of the Quartermaster General, which contains the information required. Respectfully submitted.

J. C. CALHOUN.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, Feb. 16, 1824.

SIR: In obedience to your order, dated the 30th ultimo, requiring an estimate of the probable expense of transporting two hundred of the troops, now at the Council Bluffs, on the Missouri river, to the mouth of Columbia, or Oregon river, I have the honor to report, that the expense will consist:

1st. Of an outfit of boats, and the necessary tools and materials to keep them in repair, to transport the detachment from the Council Bluffs to the head of navigation on the Missouri, or Yellow Stone river.

2. The number of horses necessary to transport the detachment, their provisions, and stores, from that place to some navigable point on the Columbia river, and tools to open a road and construct bridges on the route; and

3. The tools and materials necessary to enable them to construct boats to descend the Columbia.

I take it for granted that the ordnance, clothing, provisions, and all the heavy baggage, required for the use of the detachment, after it shall have arrived at its destination, will be transported by sea, and that no other supplies than those actually necessary on the march, will be taken across the Rocky Mountains. If so, the whole outfit, including arms, ammunition, and provisions, for twelve months, would not exceed one hundred and forty tons; to transport which ten boats, which, with all their equipments, would not exceed seven hundred dollars each, would be sufficient.

Fifteen hundred dollars would provide all the tools that would be required in opening a road and constructing bridges between the navigable points of the Missouri and the Columbia. And two hundred horses would be amply sufficient for the transportation over that route. These horses could be obtained from the Pawnees, near the Council Bluffs, or from the Mandans, at about thirty dollars each, in merchandise; and, perhaps, would not cost the Government more than fifteen or twenty dollars each in cash; at all events, not more than twenty-five dollars each.

Fifteen hundred dollars would provide all the tools and materials necessary to construct boats to descend the Columbia.

The necessary expense, then, incident to the movement, would be—

For 10 boats, at $700 each - - - -	$7,000
intrenching and other tools necessary on the march - - - - - -	1,500
200 horses, at $30 each, in merchandise, say $25 each - - - - - -	5,000
tools and materials for boats on the Columbia - - - - - - -	1,500
Total - - - - - - -	15,000
Add an equal sum for unforeseen expenses - - - - - - -	15,000
And the whole amount required will be -	$30,000

To transport the heavy baggage, ordnance, and a supply of provisions, by sea, whaling or sealing vessels, or northwest traders, it is believed, might be chartered at about five or six thousand dollars each; two would be sufficient, say they would cost $7,000 each; and the amount of sea transportation would be fourteen thousand dollars, making the entire expenses of the operation, by land and water, forty-four thousand dollars.

Small as this estimate may appear when we consider the magnitude of the object proposed to be accomplished, I feel confident that, if the operations be conducted by the military, it will be more than sufficient. I have the honor to be, &c.,

TH. S. JESUP,
Brig. Gen. and Q. M. Gen.

Hon. J. C. Calhoun, *Secr'y of War.*

Ordered, That the said Message and report be referred to the committee appointed on the 29th December last, to inquire into the propriety of taking possession of the Columbia or Oregon river.

FOURTH.

A Message transmitting certain documents relative to the claim of Massachusetts, for services rendered by the militia of that State in the late war, and for which payment was made by the State; which was read and laid on the table. [See Senate proceedings.]

EFFECT OF THE PROPOSED TARIFF.

The motion of Mr. Owen, of Alabama, charging the Committee of Ways and Means with an inquiry into the effect of the Tariff Bill, being taken up, Mr. Storrs moved that it be laid on the table.

On this question the yeas and nays were taken, and stood—yeas 86, nays 94, as follows:

Yeas—Messrs. Allison, Bailey, Barber of Connecticut, Bartlett, Beecher, Bradley, Brown, Buchanan, Cady, Campbell of Ohio, Carter, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hemphill, Henry, Herkimer, Ingham, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Matlack, Metcalfe, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sharpe, Sloane, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wood, Woods, and Wright.

Nays—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Baylies, P. P. Barbour, Bassett, Blair, Breck, Brent, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Cary, Cassedy, Clark, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayden, Hayward, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Houston, Isacks, Kent, Kidder, Lee, Leftwich, Letcher, Lincoln, Litchfield, Livingston, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mitchell of Pennsylvania, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Saunders, Sandford, Sibley, Arthur Smith, William Smith, Spence, Standefer, A. Stevenson, J. Stephenson, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Wickliffe, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Mr. Sharpe, of New York, moved as an amendment to strike out the words "Committee of Ways and Means" and insert "Secretary of the Treasury."

On this resolution and amendment, a desultory debate arose, in which Messrs. Brent, Mallary, Ingham, Webster, Owen, Forsyth, Foot of Connecticut, and Tod, took part—it was opposed on the ground of the present state of health of the Secretary of the Treasury; which, although it admitted of the ordinary detail of the office going on without interruption, precluded him from any exertion of the kind that would be required by the inquiry now proposed to be referred to him. And it was advocated on the ground of the Treasury Department's possessing all the requisite data in which the required report must be founded. The debate was superseded by the lapse of the time allowed for the consideration of resolutions.

RELIEF OF SARAH PERRY.

Mr. Fuller, from the Committee on Naval Affairs, to whom was recommitted a bill, entitled "A bill for the relief of Sarah Perry, mother of the late Oliver H. Perry," reported the bill in the same form in which it was at first brought into the House—[omitting the amendment which proposed to charge Mrs. Perry's support on the Navy Pension Fund.] The report is as follows:

Though this bill was recommitted without any definite instructions, yet, from the objections which were made to its original character, and the efforts to change it, by making the relief of Mrs. Perry a charge upon the Navy Pension Fund, the committee are led to consider the nature and expediency of the change proposed.

However strong may be the disposition of the committee to afford to the mother of the illustrious Perry the same tokens of regard which have been accorded to his widow and children, it is incumbent on them to abstain from any encroachment upon the fund in question, provided it shall appear that the faith of the Government is pledged to protect this fund, as a consecrated deposite for the support and encouragement of another and different class of persons.

By the act of the 23d of April, 1800, (Sec. 5,) it is provided, that the proceeds of all prizes taken by the public armed ships of the United States, when of inferior force, shall be adjudged one-half to the captors, and the other half to the United States. By the eighth section of the same act it is provided, that all officers, seamen, and marines, disabled in service, shall receive a pension during life, or the continuance of disability; and by the next section it is enacted, that all moneys which may accrue to the United States from prizes "shall be, and remain forever," a fund for the payment of pensions to those officers, seamen, and marines, who may be entitled to receive the same; and if the fund should be insufficient, the public faith is pledged to supply the deficiency; and should there be a surplus, it shall be applied to making further provision for the beforementioned persons, and "for such as may merit, by their bravery and long and faithful services, the gratitude of their country."

Early in the late war with Great Britain, and before the Navy Pension Fund had in any considerable degree accumulated under these provisions of law, an act was passed extending its benefits to the widows and orphan children of such officers, seamen, and marines, as might fall in battle or die of wounds, limiting their pensions to the term of five years. The wisdom and policy of this extension are very manifest; and it was no violation of the sections of the act before recited, as far as it applied to any future or prospective acquisition from prizes. The present fund has arisen from captures made almost exclusively since the extension, and it remains pledged to the purposes of the original law, with no other addition.

Should justice or policy require that any other relatives of seamen be relieved at the public expense, the committee are of opinion that the public faith does not permit it to be done from the acquisitions of the present fund; but, they have no doubt of the right of Congress to provide by law that the proceeds of prizes, which may be hereafter captured, may be applied to new objects of public bounty. But, while so many officers, seamen, and marines, remain, who may require relief, or who may be entitled, by "their bravery and faithful services," to the benefits of the fund, and who, if it were exhausted, might seek in vain the fulfilment of their country's pledge, it is deemed no less unjust than impolitic to assail this sacred deposite—the fruit of valor and of victory—the balm of honorable wounds, and the consolation of bereaved widowhood and helpless infancy.

The committee are of opinion that the bill ought to pass in its original form, and they have accordingly restored the enacting clause, and report it to the House with no other amendment or variation.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole, (Mr. Condict in the Chair,) on the bill to amend the several acts for laying duties on imports.

Mr. Martindale (who had moved on Friday that the Committee rise) rose and said: At the close of the last sitting of this honorable Committee, I moved that the Committee rise before taking the question on the motion to strike out the article of cotton bagging, in order to give me an opportunity to submit to its consideration my sentiments on the general principles of the bill. I was induced to make that motion, sir, because the discussion of the general principles of the bill seemed to have been fallen into by its adversaries by a kind of common consent. Indeed, sir, it had been distinctly avowed by some honorable gentlemen in the opposition, that they might as well discuss the general principles on the motion to strike out the article under consideration, as on a motion to strike out the enacting clause; and my honorable colleague from New York has delivered a long and able argument on this motion, expressly upon the general principles of the bill, and in opposition thereto; and some friends of the bill have pursued the same course in their observations. It was my intention, sir, at the time I made the motion to rise, to have pursued the course which seemed to be thus marked out. But, sir, upon further and deliberate reflection upon the course proposed—upon an examination of the rules of the House, and upon conferring with some honorable gentleman older than myself, and better acquainted with those rules than I am, I am strongly impressed with the conviction that this course of debate is not strictly in order. What are we doing, sir? Upon this motion to strike out of this bill the article of cotton bagging, we are discussing the general principles of the bill, principles equally applicable to every article in it.

Connect with this, sir, the open avowal, emphatically made by gentlemen in the opposition, that they will fight this odious bill step by step, and inch by inch, and follow the course we are now pursuing, and the debate becomes interminable. Are there not general principles in this bill, sir? That there are general principles upon which it is opposed, is most obvious. Gentlemen say they will oppose every part of it. They will, therefore, move to strike out every part of it. And on every such motion we shall hear repeated, as we have done already, the same objections, that it will ruin trade and commerce—that it will destroy the revenue, and prostrate our Navy—that it will enhance the prices of articles of the first necessity, and thus be taxing the poor; and that it will destroy the cotton market, and stop the further growth of cotton. What shall hinder, sir, the repetition of these arguments on every motion to strike out? And the friends of the bill, too, in their replies, are driven necessarily to general topics of discussion? If this course is to be pursued, sir, the enemies of the bill need take no other way to defeat it.

Perceiving the tendency of this course, sir, the friends of the bill have frequently requested its adversaries to move to strike out the enacting clause, for the purpose of testing the general principles of the bill. This, from proper motives, no doubt, they have declined doing. Urged by these considerations, sir, to save the time of the House, to promote the progress of this bill, and prevent its defeat—for I am entirely devoted to the principles of this bill, and shall sustain them to the utmost of my feeble abilities—and to place the argument which I wish to submit to the consideration of this Committee upon its legitimate and orderly foundation, I have come to the resolution, sir, advised as I am that the motion is in order, to move to strike out the enacting clause of the bill. I make you that motion, sir.

Mr. M. then commenced a speech in favor of the bill, which occupied the House till 4 o'clock, when he gave way for a motion that the Committee rise; and the Committee rose, and then the House adjourned.

Tuesday, February 24.

Mr. McLane, of Delaware, from the Committee of Ways and Means, who were instructed, on the 21st of January last, "to inquire into the expediency of appropriating five thousand dollars for the use of the Library of Congress," made a report thereon, accompanied by a bill authorizing an appropriation for the use of the Library of Congress; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill making appropriations for the support of Government, for the year 1824.

Ordered, That the Committee on the Judiciary be discharged from the consideration of the petition of sundry aliens residing in the State of New Jersey; the petition of sundry aliens in the State of Indiana; the petition of J. and A. Nattali; the petition of Pierre Berthelet and Oliver Berthelet; and the petition of a committee appointed by a meeting of the citizens of the city of New York, on behalf of the aliens residing in said city. As, also, from the consideration of the inquiry which said committee was directed to make, on the 10th of December last, whether any, and what, alterations are necessary, in the existing laws establishing rules of naturalization; and into the expediency of furnishing copies of those laws to the courts authorized to naturalize aliens; and that the several petitions and resolution be referred to the committee appointed, on the 16th instant, on the memorial of sundry aliens residing in the city of New Orleans.

Mr. Rankin, from the Committee on the Public Lands, to which was referred the bill from the Senate entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama," reported the same without amendment; and it was ordered to be read a third time to-morrow.

Mr. Saunders, from the Committee on the Judiciary, to whom was referred the amendments proposed by the Senate to the bill "to alter the times of holding the district court at Mobile, in the district of Alabama;" reported the same with an agreement to those amendments.

Mr. Moore, of Alabama, moved a further amendment, inserting the word "Blount" immediately after the word "Morgan," in the list of counties in the northern district; which was agreed to, and the bill was ordered to a third reading.

Mr. Bartlett, by leave of the House, presented a memorial of the merchants, ship-owners, and mechanics of Portsmouth, in the State of New Hampshire, representing the many evils, which, in their opinion, will flow from the passage of the bill now pending in this House to amend the several acts imposing duties on imports, and praying that said bill may not be passed into a law. Referred.

EFFECT OF THE PROPOSED TARIFF.

The resolution of Mr. Owen being again called up, and the question being put on the amendment of Mr. Sharpe, inserting "the Secretary of the Treasury" in place of "the Committee of Ways and Means," it was decided in the affirmative—ayes 80, noes 69, and the question being on adopting the resolution as amended, the yeas and nays were called for. Before taking the yeas and nays, Mr. McLane, of Delaware, offered a further amendment, inserting after the word "*Resolved*," "That the Committee of the Whole be discharged from the further consideration of the bill, and that it be referred to the Secretary of the Treasury, with directions to report," &c.

Mr. McLane stated his reasons for offering the amendment to be, that, if the resolution were directed to that officer, it must of necessity be accompanied with the subject-matter on which he is to report.

Mr. Sharpe opposed the amendment, as calculated to embarrass the proceedings on the bill.

Mr. Hamilton supported the amendment, as it would be a loss of time to go on with discussions on the bill, while it was referred for consideration to an officer of the House.

At the suggestion of Mr. Storrs, the resolution was so amended as not to discharge the Committee from the discussion, but to furnish the Secretary with a copy of the bill.

Mr. Mangum, while professing his general objections to the bill, supported the amendment and resolution now offered, as a measure of fairness, tending to bring light upon the discussion.

Mr. Owen protested against all intention of retarding the discussion, and assented to the amendment as now proposed.

The question being taken on Mr. McLane's amendment, it was decided in the affirmative—ayes 107.

Mr. Rich offered a further amendment, to strike out the words "of the Government," and insert after "revenue" the words "the commerce and manufacturing and agricultural interests of the United States."

Mr. R. supported his amendment by a few observations, signifying that revenue was not the only interest to be considered in the legislation of Congress.

Mr. McDuffie opposed this amendment as imposing duties which had no reference to the official duties of the Secretary of the Treasury.

Mr. Owen followed on the same side, and seemed to consider the amendment as intended either to ridicule or evade the object of the resolution.

Mr. **Floyd** objected to the whole course proposed. He thought it was not consistent with the dignity of the House to go for information, and for the suggestion of its future duties, to one of the President's Secretaries; and moved to lay the resolution, with the amendment, on the table.

The yeas and nays being called for, on this question, stood—yeas 96, nays 92, as follows:

Yeas—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Tennessee, Allison, Archer, Bailey, Baylies, Barber of Connecticut, P. P. Barbour, Bradley, Brown, Buchanan, Burton, Cambreleng, Campbell of Ohio, Carter, Clark, Collins, Condict, Conner, Crafts, Craig, Durfee, Dwinell, Eaton, Eddy, Edwards of North Carolina, Ellis, Farrelly, Findlay, Floyd, Foote of New York, Forward, Garrison, Gazlay, Harris, Hemphill, Henry, Herkimer, Hogeboom, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Little, Long, McArthur, McCoy, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Matlack, Metcalfe, Morgan, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards, Rich, Rives, Saunders, Sloane, Sterling, A. Stevenson, Stoddard, Storrs, Swan, Taylor Ten Eyck, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tucker of Virginia, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Wayne, Whipple, Whitman, Whittlesey, White, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Messrs. Alexander of Tennessee, Allen of Massachusetts, J. S. Barbour, Bartlett, Beecher, Blair, Breck, Buck, Buckner, Burleigh, Campbell of South Carolina, Cary, Cassedy, Cobb, Cocke, Cook, Crowninshield, Culpeper, Cushman, Day, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayden, Hayward, Herrick, Hobart, Holcombe, Hooks, Houston, Ingham, Isacks, Jennings, Kent, Kidder, Lathrop, Leftwich, Letcher, Lincoln, Litchfield, Livermore, Livingston, Locke, Longfellow, McDuffie, McKee, McKim, Mangum, Mallary, Marvin, Matson, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Neale, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Rose, Sandford, Scott, Sharpe, Sibley, Arthur Smith, William Smith, Spence, Standefer, Strong, Test, Thompson of Georgia, Tucker of South Carolina, Tyson, Vance of North Carolina, Vinton, Warfield, Wickliffe, Williams of New York, Williams of Virginia, and Wilson of South Carolina.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole, on the bill to amend the several acts laying duties on imports.

Mr. **Martindale** resumed the speech which he had yesterday commenced, on his own motion to strike out the enacting clause of the bill; which is given entire as follows:

I rise, said Mr. M., under a deep conviction of the vast importance of the principles of the bill upon your table, and my utter incompetency to a satisfactory discussion of them. But, sir, my great anxiety that those principles should finally prevail, and that they should now prevail, believing, as I do, that the condition of our country imperiously demands their adoption, and my consciousness, too, sir, that that country, on this occasion, expects that every man should do his duty, have determined me to make an attempt to overcome my extreme diffidence, and approach the discussion of this most momentous subject. It is a subject deeply interesting, sir, inasmuch as it is the commencement of a new system of policy, fraught with principles which must produce interminable and most salutary consequences, and inasmuch as it is the very first measure of the Government which looks seriously and extensively to the protection of the native productions of the country. This system, sir, is to bring into existence from our own soil, and from the labor of our own countrymen, that which would not exist without it, and in addition to that which we now produce, as a substitute for what we buy. It looks, through the medium of the mechanic and artisan, to the farmer; it can reach him no other way; it can protect him no other way. Unless I greatly mistake the character of the bill, and labor under so strong a delusion that I am led to believe a lie, it is fraught with manifold and lasting blessings to our common country. But, in the accomplishment of this great and good design, I am sensible that some existing and local interests must be temporarily and partially affected. The importing commerce of our country must be suspended, or diverted into another channel, in just so much as the home production shall become a substitute for the imported article. But, on every principle, but that of exclusive selfishness, are they not bound to give up this traffic, if it be pernicious to their country? The increased duty on cotton bagging will, for a little while, enhance the price of cotton to the consumer. Those of the North, East, and West, who produce no cotton, but consume tenfold more of the article than those who do, must, for a moment, as it were, pay this increased price; but a permanent, (and comparatively to them an important interest,) of our brethren of the West, will be promoted by it, and we make the sacrifice cheerfully. Our brethren of the West, enjoying the richest soil and the best climate in the world, are stated, and admitted to be, the poorest among all the members of this great family. That which nature designed to be the richest, through the influence of mistaken policy is the poorest; and, if that policy prevails, will be kept so. And why? They have no market. They produce their food, to be sure, but they must buy a large portion of their clothing. They have bought till they have expended their specie. A mistaken policy induced a resort to a substitute, in the form of bank paper. Experience soon proved the fatal error, in the increased extent and magnitude of the evil. All this goes to prove that the consumers of imported and purchased articles must have a market for their produce or the fruits of their labor, or accumulated distress must ensue. The West have no market and the distress has ensued. And, Mr. Chairman, do the West alone complain? And if they did, will gentlemen say it is only the West; it is not necessary to heed their complaints? Sir, who are these inhabitants of the West? They are our kindred and our friends. They are our brothers and our sisters. Many—our fathers and our mothers—who have gone with *their* children and *our* brothers, to spend the evening of their days, and to die there. They did not leave their country when they went there. It is *their* country and *our* country still; and thank God they may go still farther West, and still be within the boundaries of their country; to where the setting sun quenches his orb in the western wave, and still claim the kind concern and protecting care of our common country, and our country's common Government. The father goes to the West to visit his children, and the brother, after a long separation, to salute his brother. Go where you will, sir, through the Western States, and you find your old neighbors, your nearest relatives, and dearest friends; and while they are encountering the hardships and privations of the pioneers of our new settlements, if their situation is not calculated to awaken our sympathies, and open the hand of a liberal and protecting policy, which the close-fisted cold calculator of pence would shut, I know not what will. Mr. Chairman, in discussing this subject of somewhat conflicting interests, the feelings which these reflections are calculated to produce, should be put in requisition. If we are any of us called upon to make sacrifices, we should look and see to whom; and if we find that the sacrifice is to ourselves, or to those we love as ourselves, as we are commanded to do our neighbors, we shall make the sacrifice cheerfully, or rather, we shall deem it no sacrifice. Acrimony and angry feeling will, at all events, be subdued, and we shall come to this investigation with calmness and deliberation, and a single eye to truth and the good of our country.

But, sir, there is another principle which gentlemen seem to have lost sight of, and which I think should govern in this discussion. Our powers and our duties are reciprocal. They are coextensive and correspondent. The interests which we can affect, those interests we represent. We are none of us at liberty to disregard the interests which every vote each one of us gives, influences more or less. We are, then, each one of us the representative of every interest, and, of course, of the whole. We are elected by minute districts, I know. This is but a mode in which the whole have agreed to elect their Representatives. But this does not change our powers and our duties when elected. They are precisely what they would have been had we been elected *en masse* by a general ticket of the whole United States. The power of each is to affect every interest in the whole Republic; his duty is to consult, and be governed by those interests. He must, then, look at the whole; and he must look, not to the present only, but to the future also, as far as the keen eye of the statesman can reach, and thus, from this eminence, as from a political observatory, taking a survey of the permanent, ever-during interests of the country, decide as those interests shall indicate. We must, sir, expand our views to the dimensions of our country, or, before long, our country will be contracted to correspond with the limited extent of those views. On this principle, sir, we are not at liberty to deem ourselves as the Representatives of the particular district or State where we were elected, and may reside, as the envoys of distinct and independent governments, sent here to obtain, by dint of argumentative negotiation, as much advantage, each over the other, as we can, which we are at liberty to protract or break off at pleasure; but, sir, we are the common agents of one common country, the conservators and guardians of the great interests of this great Republic. The Representative from Louisiana is bound to regard the interests of Kentucky, Ohio, and Maine, when he understands them, as much as the Representatives of those respective States, and to sacrifice a minor interest, at least, to promote their greater good. We are but one people, sir. We have but one country, a great and a good one, which our forefathers won for us, and have bequeathed to us; so far as our powers and official capacities extend, we have but one Government—the Government of this great empire, "one and indivisible." Gentlemen talk of a Confederation—of a Confederated Government. Sir, this language is new to me. I have not read it in the Constitution. It sounds foreign in my ears, and it is foreign to my feelings, and I am confident it is foreign to the feelings of my countrymen generally. We all feel, I trust, sir, as much now as on the memorable 8th of January, 1815, that New Orleans is a part of our country; and the recollections of the hard-fought and sanguinary field of Bridgewater and Chippewa awaken the sympathies, while they gratify the pride of the inhabitants of Georgia and Louisiana. Let us be Americans, sir, and feel and act as Americans. Let us feel that we have a country, and let those feelings embrace the whole of it. Does that country stretch from Florida to the Yellow Stone, and from Maine to the Oregon? A warm and expanded patriotism can embrace this wild region, and entertain a common feeling for their remote and distant inhabitants. I know these are feelings which prevail in this country, and govern this Committee. We are tempted, occasionally, sir, in the warmth of debate, to forget these feelings, and to assume the character of sectional advocates. We will then, sometimes, sir, speak of this Government as a confederation of independent States, and about the inhabitants of such and such a State not submitting to the operation of such and such a measure. By this I presume gentlemen mean that they will remonstrate against it, and endeavor to convince this Government that they ought to repeal it. If more than this is meant; if by this gentlemen mean, "peaceably if we can, forcibly if we must," I would remind gentlemen that there is one sacred, invariable, enduring principle of our Government, which no portion of our country can ever violate with impunity, and that is, as the majority must govern, their decision must prevail, and the minority must submit. Why, sir, as well might the county of Suffolk, upon the extreme end of Long Island, talk of rebelling against the State of New York, or determining to build a canal, in which she had no interest, but to which it is obliged to contribute, as the cotton-growing section of our country oppose the authority of this Government, because the bill on your table, if adopted, may limit, in some measure, their cotton market, and add an inconsiderable sum to the expense of its production. If they think this measure wrong, gentlemen may talk with propriety of appealing to the sovereignty of the people. They have full scope and perfect right to obtain that sovereign majesty—to do what? To secede from the Union; to dissolve this Government? No, it is impossible; but simply in a quiet, pacific, Constitutional way, to change the Administration, to dismiss their public servants, and substitute others more honest, or more intelligent, who will understand and consult their interests better.

Thus prepared, sir, as to my feelings, and the extent and nature of my duties, I come to the discussion of the general principles of the bill upon your table.

I propose to inquire, sir, if there be any evils under the pressure of which this nation suffers. Is full employment provided by the nature and distribution of our occupations for every class of community? Do none stand idle, because no man hireth them? Does not the agriculture of the country languish, and the laborer stand still, because, beyond the supply of food for his own family, his produce perishes on his hands, or his fields lie waste and fallow, and this because his accustomed market is closed against him? It does, sir. From every section of this extended country we hear complaints of poverty and individual distress. From the North, and from the East, and from the West—in all directions, sir, but from the cotton-growing sections—hundreds of petitions and memorials have reached us, pouring forth the loud voice of supplication and prayer for some measures of protection and relief. These have proceeded from the yeomanry of our country, from the industrious mechanic, from the farmer as well as from the manufacturer. And will gentlemen suppose that these complaints are feigned and causeless? Our own personal knowledge excludes the supposition. Let each member of this committee take the circuit of his district, (excepting always the highly favored commercial and cotton-growing districts,) and inquire individually of his agricultural and manufacturing constituents—Sir, are you clear of debt, and if not, have you the ready means of payment? Have you a ready market for all the surplus produce of your farm to the utmost ability of your farm to produce by the labor you can command? Do you keep as many sheep as your farm can sustain, and can you sell the wool they produce? Is your farm adapted to the culture of flax and hemp; and, if so, where can you find a market? The answers these several questions will receive, would show the accumulated and various distresses of his constituents. There is, sir, multiplied and deep distress in this country. We are not in that prosperous and happy condition that some gentlemen would feign persuade us to believe. This distress presses harder upon the farmer and manufacturer, I know, sir, than upon any other class of our fellow citizens. The reason is obvious. While the merchant was growing rich in the exchange of his importations, for the farmer's produce, during what may be termed emphatically "the golden days of commercial prosperity," the farmer was consuming these importations to the extent of his ability to purchase. He did not even then become rich. When all his produce commanded an unexampled price and a quick sale, the merchant turned the exchange more to his own advantage than to the farmer's, by paying the price of the purchase of the produce by imported articles of consumption. While this extraordinary demand for the productions of our soil continued, a corresponding activity in our agricultural pursuits was excited, and a kindly soil rewarding the labors of the farmer with abundant crops, enabled him to sustain, for the time, habits of expense and indulgence to which he had not been accustomed. But this day of unclouded prosperity was soon to be overcast. The years of plenty were soon to be succeeded by years of dearth and famine. The European markets were closed against the articles of food with which our farmers had been accustomed to supply them; and thus they were suddenly deprived of the means of satisfying an unabated demand for foreign manufactures. We suddenly discovered the defective organization of our community. We now found ourselves a nation of mere farmers and merchants; producing our own food, to be sure, but dependent on the merchant for our clothing to a vast amount, together with almost every article of domestic convenience, without the adequate means of purchasing them. Foreign nations no longer stood in need of our food; they produced a sufficiency for their own use. But we needed their manufactures, and could not supply them ourselves. This showed at once a defective distribution of the labor of the community. We were incapable of satisfying our own wants from our own resources. Clothing and domestic utensils are as necessary as food, and we can supply but one; and that one we can supply to ten times the amount of the demand.

It may be useful to take a brief retrospect of the causes and policy which have led to this result—to this imperfect organization of our population in the distribution of labor.

Necessity made our forefathers, in their first settlement on this continent, mere farmers. The forest must be felled, and the fields opened to the genial warmth of the sun, and the soil prepared for the reception of seed. Food could be produced here; but clothing and all implements of husbandry and household furniture must be brought from home. With a clear-sightedness which has always distinguished the English merchant, in providing for his own interest, the English nation and Government saw at once a new source of employment and profit in this new intercourse. Her own trade and manufactures would eventually be powerfully sustained by the young colonies. In due time, as they advanced in population, and expanded in extent, and manifested a disposition to fabricate for themselves some articles of the first necessity and the simplest workmanship, England interposed the authority of her laws to stop the process; and this interdiction of our fathers' manufactures constituted a prominent part of the bill of grievances and complaints which was so repeatedly presented to the British Parliament, and laid before the English throne. Our great Franklin, sir, in embodying some general principles of pacification between the colonies and the mother country, immediately preceding the Revolution, which were to be submitted to some agents of the British Ministry, insisted, among other things, upon abolishing these restrictions upon our manufactures. But he was told that this system of restriction was a favorite idea with the Ministry, and could not be abandoned. We have reason to thank God, sir, that England had not then become as wise as experience has now made her; that she had not then discovered that the best way to secure from competition a market for her manufactures, was to keep it always full; and if she saw a manufacturing establishment rising any where, to smother it by a mass of manufactures of the same kind around it. She had not then discovered that the best way to bind a sturdy and stubborn victim, was not to coerce and drive, but to administer an opiate, and then exhaust, by bleeding. Had she known then as much as she does now, it is much to be feared, that even the virtues of our fathers would not have been proof against her subtleties. But, through her blindness, and those virtues, under the Cloud and the Pillar of Fire, our fathers entered the promised land of freedom. They have left us a rich inheritance, and sealed their testament with their blood. But, sir, the close of the Revolution found us what the policy of England had made us—a nation of farmers and merchants, destitute of all but the simple, plain household manufactures. Our merchants were congregated in the seaports, upon the seaboard, and our farmers thinly scattered over a wide expanse of country, habitually looking to the seaports for a supply of such things as they needed, and could not make. The Revolution threw all our commerce into the hands of the merchants, and the force of habit and immediate interest, induced them to seize, with avidity, the golden prize. Without regard to policy at all, we immediately pursued the path marked out for us by England, and took up the business from which we had just driven her, and eagerly imported her manufactures. Our Government, too, anxious to follow English precedent, resorted at once to this importation, as a source of revenue. Thus far we had gained the inestimable privilege of governing ourselves, to be sure, and of taxing, for our own use, to a tenfold amount, what England had designed for hers; but the commercial system which England had adopted, to make us tributary to her wealth, we still practised. We bought her manufactures, consumed them, and were comfortable; but did not become rich.

But England's wealth increased. All the evils and defects of our system had not had time to develope themselves, before an event occurred, which seemed to make our errors appear the better reason; and, at all events, served to conceal, during its exhibition, the tendency of our policy, or rather want of policy. A twenty years' war in Europe, which drew into the vortex all its various nations, made our merchants the carriers of a large portion of the world, and our farmers the feeders of immense belligerent armies. An unexampled activity and increase in our commerce followed—our agriculture extended itself, grew, and flourished. An unprecedented demand gave the farmer an extraordinary price for his produce, and authorized, as he supposed, the indulgence of habits of unusual expense. During the operation of these causes, imports kept pace with exports, and consumption with both; and, though the nation grew and expanded on all sides, it was a subject of wonder that the country did not become rich. If any wealth was retained in our own country, it was collected in our cities and in the hands of our merchants, who, as the common agents of both producer and consumer, in exchanging their respective commodities, had managed to keep a comfortable profit in their own hands, with which they not only sustained themselves in a princely style of living, and set pernicious examples of expensive extravagance to the community, which all were swift to follow, but they built houses, and enlarged our cities to a size immensely disproportioned to the population of our country, and multiplied their ships, also, as the vehicles of exportation of our produce and importation of articles of luxury and consumption. To vend these, country merchants' stores were suddenly erected in every nook and corner, at every turn of every road, and thickly crowded in all our villages. The farmer even converted his parlor into a merchant's store, and dismissed his son from following the plough, to waiting on his customers behind the counter. The "mercantile business," as it was called, was perceived to be the road to wealth, and at once to furnish the means of comparative ease and genteel living. It became a most desirable thing to exchange the rough and humble habits and coarse living of the farmer for the comely, the genteel, and tasteful life of the merchant. The rush was simultaneous, I believe, throughout the country. Few had the steadiness to resist this delirium; our Government caught, in common, the giddy spirit of the day, and stood rejoicing at the rich display of foreign fabrics, and the thoughtless eagerness with which the people purchased them—our Treasury was filled, and their constituents did not know they were taxed. This tendency to commercial pursuits became, what may be termed, emphatically a rage. It was commercial madness and infatuation; and, even while the means of indulgence were furnished by an extraordinary foreign demand for our produce, numerous cases of aggravated individual distress were produced. In the mean time, commercial wants, commercial cupidity, and commercial skill, devised a scheme auxiliary to their system of traffic and exchange, which would facilitate their operation, and more than quadruple their means. Banks were generally introduced, and almost infinitely multiplied. These are creatures which I so heartily detest, that I can hardly find language to characterize them. They are the engines of legalized fraud upon the community—they are an authority to coin a fictitious, unsolid, unreal, spurious currency, as a substitute for the real and legitimate; by which means the legitimate is drawn from circulation, and, in pursuance of our commercial system, sent abroad to buy articles of consumption. They are the medium by which the solid coin and substantial property of the farmer has been, and is obtained for nothing, nay, worse than nothing; for a promise which cannot be performed, is worse than nothing. Will it be said that this is unjustly severe? Let these promises, in the shape of bank bills, be enforced at once, and who will say that they can be performed—that they will not be broken to the amount of many millions? They have been broken to the amount of many millions already, and so far operated as a sudden unexpected tax upon the unfortunate community, where this shadowy, unreal, airy image of the bank, in the shape of a fanciful figure, called credit, stood, and the vision having vanished into thin air, the community found themselves unexpectedly overwhelmed in broad and deep distress. These banks, sir, add nothing to the wealth of a country—not one cent. They are mere promises, false and hollow all. They serve the makers, the stockholders I mean, for cash, so long as they are not enforced. But the deception is practised in the issuing. They are exchanged at once for the solid valuable property of the farmer, and the merchant acquires what the farmer loses, and the merchant is so far enriched. If the bubble bursts in the farmer's hands, the farmer feels the loss; if it goes into circulation, the wound is inflicted wherever it explodes. It would be a curious fact, and one which I think Government should know, the excess of bills in circulation over the deposites of specie in the vaults. In just so much is our seeming prosperity unreal. To nearly that amount, in addition to what we owe, have we consumed beyond our means. To nearly that amount has specie been exported from the country, which would otherwise have remained here. In just so much the cities owe the country, and have drained the country of solid wealth, and amassed it in our cities. Money is the representative of property, but bank bills are the shadow of that representative; adopt the shadow, and the substance is gone. I should not have been led to remark upon this subject, but for the powerful aid banks have afforded commerce in the great process of depletion, which has terminated almost in the debility of exhaustion. They have contributed to blind the nation to its real situation, and to build up, at the expense of the country, a splendid commercial establishment, and have conspired at the same time with that commerce, to encourage and fix our extravagant and expensive habits, which have finally paralyzed our industry, exhausted our resources, and left us deeply in debt.

While the years of plenty continued, it was orthodox to believe, and many still believe, that banks were a fruitful source of blessings to the country, and served to display our commerce in the golden beams of wealth and glory. But, the day of commercial joy and rejoicing was soon to be succeeded by a day of seriousness and sober repentance. A day of retribution was preparing for a thoughtless people and a thoughtless Government. But the process of correction was gentle and merciful. It carried blessings along with it. Interruptions to our carrying trade, by conflicting belligerent orders, and the ensuing commercial embarrassments, checked a little the flood of importations, and the exportation of our means of living and defence. These were followed by our own embargoes, which reduced still more the mass of importations, and restrained our exports. Individual and national distress ensued, I know; but it was salutary, and prepared us, step by step, and by slow degrees, for the event which followed. Peace came in Europe, and shut out our exports, and found us in war with England, which almost cut off our imports. The shock was violent, and, had we not been armed by a little preparatory suffering, might have been fatal. Now we felt the defective organization of our system. Now we saw the imperfect distribution and classification of labor. We now experienced the *blessed* effects of permitting trade to regulate itself; that is, of permitting merchants to regulate every thing. We now felt how *comfortable* it was to have plenty of food, but no clothing; and we were satisfied that it would have been quite as wise to have detached a portion of our labor from the pursuits of agriculture, and put it to the cloth-making business, and other branches of manufactures. But suddenly, and as if by magic, manufacturing establishments arose all over the country, and the native skill, energy, and enterprise of our citizens were never more conspicuously displayed than by the sudden and unexpected supply of various manufactured articles, to nearly the extent of our wants. Flocks of sheep were quickly multiplied and enlarged, and a tolerable supply of wool was furnished. The farmer found a new branch of industry pointed out to him, requiring less labor, and producing more profit. His accustomed productions for food found a new market, a ready sale, and a liberal price. The farmer's prosperity was really greater than it had been in the days of commercial prosperity. His expenses were retrenched and his profits increased, and he began to emerge from debt. Could the war have been continued, unattended by any consequence but that of shutting out foreign importations, it would have been a national blessing compared with the consequences which followed its conclusion. The experience of three years was thrown away upon our Government; the wisdom which the war was calculated to teach seemed to be lost in exultation at its glorious termination. Our ports were opened to the overwhelming inundations of foreign goods, and our own merchants vied with our recent enemies in the extraordinary activity with which they swelled the tide of importation. They now engaged in (to us) the unprofitable contest, not of seeing which could do each other the most harm, but which could contribute most to the ruin of our country. These efforts were most successful. In one short year, a supply of foreign goods for several, were crowded into our markets, cheap as dirt, of a handsome exterior and specious *finish*. By the machinery of auction sales, these goods were driven into the country for such price as they would fetch; and a cordon of merchants' stores, at convenient distances, and remarkably near each other, were immediately replenished to overflowing with these fresh goods, on every road leading from our commercial depots to the most extreme verge of our country.

The European ports remained closed against our provisions. Our produce, then, could not be received in exchange for these goods. But our merchants very kindly offered to sell them to us on a credit of six, nine, or twelve months, to give us time *to turn* ourselves, as the phrase is, and pay the cash. Thus these country stores operated as secretory vessels, or glands, for the collection of the small and minute particles of wealth in the country; and, when collected in sufficient quantities, it was hastened away—to New York, for instance, a kind of common reservoir of the wealth of that section of country; from whence, in due time, and through various channels, and by various means, it finds its way to England, the great reservoir of the wealth of nations, and in comparison with which, New York is but a country merchant's store. Our manufacturing establishments were as suddenly consumed as though they had been smitten by the bolt of Heaven. The manufacturers were turned adrift to seek a scanty subsistence by such employments as they could casually find, and to relieve themselves from the pressure of debts by our numerous insolvent laws. The farmer's wool remained on hand for want of a market, and his flocks of sheep became mere cumberers of his ground. Thousands were killed by him, and, after trying up the carcase for tallow, the offals and scraps were fed out to his hogs. While this process of waste and devastation was going on, the provision market was depressed also. There was little demand for the farmer's provisions—for his beef, pork, and wheat. The price was greatly reduced. But the habits of the farmer and his family were formed and suited to better times; the customs, taste, and fashions, of the country and his immediate neighbors, imposed a kind of moral necessity upon him to measure his expenses by theirs, not by his means. His expenses were greater than his income. The consequences were inevitable. His cash was first exhausted, and next the produce of his farm, his credit next, and (by a mortgage) next the farm itself. The expenses which produced the mortgage prevent the redemption; the farm is sold to pay for foreign goods, and the merchant becomes the purchaser. This is no unreal picture, which has no original in nature. I have myself drawn it from what I have seen and know, and many honorable gentlemen, I presume, will recognise in this a resemblance to scenes which they themselves have witnessed. A rigid economy and a stoical indifference to fashion might, perhaps, supply enough of discretion to prevent these evils. But who is proof against the force of fashion, and who so hardy as to resist her laws? These laws are enacted by chambers of commerce. Our fashions are all commercial, of foreign importation, and of recent adoption. Within my memory, we are not the same people. Our customs, habits, dress, and mode of living, are entirely changed, from the plain agricultural simplicity of our fathers to commercial elegance and extravagance.

In addition to this commercial fashion, some other things have conspired to ruin the farmer, and the farming interest, growing out of our overtrading character. From the frequent failure of country merchants, who had entered into trade without experience or capital, and the heavy losses incurred thereby, the city merchants became wise and cautious, and when they found a country merchant begin to grow slack and fail in punctual payment, he was and is required to give his note, payable at the bank, endorsed by some of his country friends; and, as farmers are generally in good credit to something like the value of their farms, they were generally preferred for endorsers. At all events, the instances are numerous in which the farmer has been invited to lend his credit to his trading neighbor; and, being habitually confiding, honest himself, and not doubting that a merchant must be so, a request of this kind has seldom been refused. In many thousand instances, perhaps, in many I know, the failure of the merchant has produced multiplied distress and widespread ruin to the farmer, and to many farmers. The loss of money and the loss of farms have been the result. Here, too, the money and the farms have gone to pay for foreign goods. They have been brought into the country, sold, and consumed. This is one item in the excess of consumption over the ability to purchase and pay, and is one among the numerous expedients of commercial ingenuity to drain the country, and draw all things to the centre. Banks, we have seen, have the same tendency; and when they fail, as they frequently do, the loss to the amount of thousands, and sometimes millions, falls heavy on the farming interest, drawing ruin after it. Thus the farming interest has been severely taxed by trading with merchants, and through the medium of merchants' banks. They have sustained heavy losses by the failure of merchants, by becoming securities for merchants, and by the failure of merchants' banks. These, connected with the extravagant fashions, and expensive habits of living, introduced by the pernicious examples of the merchant, have well nigh ruined the farming interest, and sunk it in deep distress. All these are so many ways and means by which the fruits of the toil and industry of the country have been taken from agriculture and concentrated in our cities. This is surely wrong. This is an unhealthy action. In the economy of animal life, a healthy action tends to the surface. Change the direction, and the animal dies. Thus the body politic of this great community has become diseased. Exhaustion, debility, and decay, are visible in the extremes. We are in no condition to supply more than half our own wants, I undertake to declare, and, so far as my personal knowledge extends, can prove, that individual distress in the farming and manufacturing interest was never so multiform and great as it is now. There is one exception—the cotton growers and cotton manufacturers. They are protected, and have a market.

But, say the gentlemen, "let trade regulate itself; if there be an evil it will cure itself. Let the merchant regulate trade, he will cure the evil." He will cure the evil as death cures disease. Nothing but perfect exhaustion and motionless debility will stop the career of the merchant, and then of what use is a remedy? When gentlemen speak in this way they forget the well known principles of human nature; the force of habit, the strength of fashion, the selfishness of present interest in some, and, as to agriculture and manufactures, the necessity of a market. And what power on earth can make this market but Government? *Our* merchants will not make it; for then they must stop trade. They will not become manufacturers, for that would injure trade; and there is no market. They will not lend their capital to manufacturers, for *that* would injure trade. They will not set examples of frugality and economy to the nation, for *that* would injure trade. But suppose our own merchants were patriotic enough to sacrifice some present interest on the altar of their country's good. Could they effect any thing without the aid of Government? They would sacrifice themselves, but not cure the evil. England has her merchants here already. They crowd our seaports. They compete with our own merchants in swelling the flood of importations and forcing their merchandise into the country. Let our merchants retire, and their places would be instantly filled with English merchants through every section of our country. You find them now, in the shape of pedlars, traversing the country in all directions, vending English silks, English cambrics, and English cottons. It does not comport with the policy of England to permit any of our markets to become empty; nor of our own merchants neither.

It is most obvious, then, that, until Government shall interpose efficiently, we shall continue as we have done to trade and to buy; to import and consume. It encourages commerce, and we must buy; it fills the Treasury, and we must buy; it sustains the Navy, and we must buy; it makes a market for cotton, and we must buy. And now, sir, to see the effect of this upon the farmer, let us see for a moment what we buy. We buy foreign earth, in the shape of Swedish and Russian ore; we hire the Russian boor to dig and smelt it, and the Russian farmer to feed him during these operations; while our own mountains contain an exhaustless supply of iron; we have the laborers to dig it and shape it to our use, who are now poor and idle for the want of employment; and a host of farmers whose coffers would be replenished by feeding and clothing these miners and artisans during their labors. Again, we buy English wool of the English farmer, hire the English manufacturer to work it into cloth; and the English farmers to feed him. Thus, every yard of English broadcloth contains in it more or less of English wool, English beef and pork, and English bread stuffs.

This drives from our own markets just so much of our own farmers' produce, of the same kind, and from employment, also, our own mechanics and machinery, to the same amount; and this amount is immense. Can any one shut his eyes to the paralyzing, deadly consequences of this system to our farmers? Mr. Chairman, the question is not whether we shall have these manufactures or not. We must have them. They are necessary to our habits, our convenience, and comfort. The question is not whether we shall have mechanics and artisans, or not; that is, whether we shall employ them or not. We must employ them. We do employ them. We employ more than any other nation on earth, of the same wealth and population; and we consume more of their fabrics than any other nation on earth, of the same wealth and population. But the question is, sir, where shall we keep our mechanics? Who shall enjoy the profit of feeding and clothing them, and furnishing them with the wool, the iron, the hemp, and the flax, which they work up, and we buy and consume? "The English," say the merchants, and cotton planters. It is best to buy these things of the English and the Russian. It will be of no use to your farmers to furnish these things; they can be employed in clearing land, or something else. Besides, we can buy cheaper of England and Russia than we can at home, and they will take cotton in payment, and we can sell more cotton; the transportation will encourage trade; commerce will be sustained, and our Treasury filled. Ah! here lies the mystery of this contention. Here is the explanation of our opposite views. It is employment, after all, that we are all in search of. It is a market for our labor and our produce, which we all want, and all contend for. "Buy foreign goods, that we may import," say the merchants; it will make a market for importations, and find employment for our ships. Buy English manufactures, say the cotton planters; England will take our cotton in exchange. Thus, the merchant and the cotton planter fully appreciate the value of a market when they find their own encroached upon. The farmer and manufacturer claim to participate in the benefits of a market for their labor and produce; and hence this protracted debate and struggle of contending interests. It is a contest for a market between the cotton grower and merchant on one side, and the farmer and manufacturer on the other. That the manufacturer would furnish this market to the farmer, admits no doubt. The farmer should reciprocate the favor, and Government is now called upon to render this market less accessible to foreign fabrics for the mutual benefit of both. By the establishment of manufactures, machinery is extensively introduced and put in operation. Machinery is the means by which labor multiplies itself an hundred fold, or more. The old, the feeble, and infirm, may direct its operations, and the young may feed it with the raw material. Whereas the stout and athletic alone can successfully engage in agriculture. They furnish employment to a very numerous class, who could not be employed without them, and who now, in fact, find none. It has been said that machines *eat* nothing, and from this it has been insisted that their introduction does not assist the farmer. They *eat* no food, indeed, but they *eat*, or rather consume, what is quite as important to the farmer—his wool, his flax, and his hemp, and that in a ratio an hundred fold increased. This consumption makes a market for these articles, a large and liberal market, which we seek to secure to ourselves against an almost exclusive occupation by the British. This machinery is what our necessities require. We need labor, sir. In this thinly populated country, labor is what we want; not for the production of food—of that we have already more than we can consume or sell—but for the supply of the other half or three-fourths of our wants—our clothing, and necessary implements of trade, of husbandry, and domestic use. By putting machinery in motion, you create, as it were, at once an hundred men, whom you set at work, instead of one; who perform an hundred times more than that one possibly could. This is precisely what our circumstances require. England, in the extensive use of machinery, has multiplied her power an hundred times in the acquisition of wealth, and in the same proportion has an advantage over us.

This, then, is the remedy we propose, sir, for the evils which we suffer. Place the mechanic by the side of the farmer, that the manufacturer who makes our cloth should make it from *our* farmers' wool, flax, hemp, &c., and be fed by our farmers' provisions. Draw forth our iron from our own mountains, and we shall not drain our country in the purchase of the foreign. It is most evident that, if we import wool and iron, we drive just so much of our own iron and wool from our own markets, and it ceases to be produced. We should keep our mechanics and manufacturers here, instead of England, France, or Russia; and, I may say, (what would seem paradoxical,) we should keep our farmers here, too, instead of in England, France, or Russia. How many farmers do we employ in those countries, sir, tilling their ground, growing their wool, flax, and hemp? Many thousands, sir, who grow rich at our expense, and take the bread from the mouths of our own farmers, by taking away their employment, in taking away their market.

We propose, sir, to supply our own wants, from our own resources, by the means which God and nature have placed in our hands. By the application of our own powers, our own labor, to our own capabilities, the productive powers of our own soil, and our own mines.

England has long understood and practised this policy. For many hundred years she has acted upon this policy. She has bought nothing she could make or produce, nor permitted her people to do so. But she has always had something; and now has an immense quantity of almost every thing to sell. By a steady prosecution of this policy, for centuries, she has become the most powerful and wealthy nation of the world. Her merchants and manufacturers, and her farmers, too, are the princes and nobles of the earth. How came she so rich? Her wealth has not all sprung up there. Through the medium of her agriculture and manufactures, she has made all the nations of this globe tributary to her; and no nation has subserved her purposes so steadily and perseveringly as we have.

Suppose England had pursued our policy, and instead of manufacturing for herself and the world, had bought of Holland and France, and devoted herself exclusively to agriculture and commerce. Will any gentleman contend that she would have been half so powerful and rich? But, why should she not? She has a fine soil and climate, wonderfully adapted to agriculture, superior to ours, in many respects. She has, at this moment, a large quantity of land uncultivated, superior to much that we cultivate. If we should pursue our present system, why should not England have done so? Because, to supply three-fourths of our wants by buying, is not the way for a nation to become rich. She should sell what she can: buy only what she must.

Spain, on the contrary, furnishes a good practical exposition of the *blessed* consequences of our system. For nearly four centuries, she has commanded the silver and the gold of Mexico and Peru. The rich treasures of Potosi have been poured, with a liberal profusion, into her lap. But, has she grown rich? No. She became able to buy. It was easy to satisfy her wants by purchase; her gold and her silver went through her, simply as a highway, as a medium of passage, and tarried not until it found a resting place in England. England furnished the manufactures, and Spain the silver and gold in exchange. England wrought, and was diligent. Spain purchased, and was idle. England grew wealthy, and Spain grew poor. Her population declined, her industry languished, and her commerce and agriculture were paralyzed. We, too, buy, and are idle. We, too, buy, and are poor. Our agriculture languishes, and our commerce is on the decline.

But, sir, we need not look abroad for examples to prove our doctrine. We have them, on a smaller scale, to be sure, at home. New England, sir, is a partial exception to our general policy. She has recently become extensively manufacturing; more so than any other section of our country. She has become, and is, comparatively, rich. In her intercourse with the other States, the rate of exchange is in her favor. This is another practical proof of the superior wealth growing out of the suitable distribution of labor among the various employments necessary to the comfort and convenience of civilized man, in the same community; and the great acquisition of power, in the application of machinery. The Societies of Shakers, sir, in our country, furnish another example in favor of our doctrine. These, sir, are small commonwealths within themselves. They are their own farmers, their own mechanics, and their own merchants. Their agriculture and their manufactures are their leading interests, as they should be every where. Their merchants are subservient to those interests, and are employed in selling their surplus produce and manufactures, and purchasing, in exchange, such things as they cannot produce or make, and are indispensable. By prosecuting this system, they have become rich. No societies or communities, in our country, of the same extent, are equally independent.

The wealth of a nation is produced by the application of its labor to its physical means, for the supply of its own wants; in the resources of its soil, its mines, its labor, its ingenuity, and skill, it will find competency and independence. In the proper application of labor to our soil, we grow wheat. In the same application of our labor, in a fit and suitable way, we produce wool, hemp, flax, and cotton. In the application of the same labor to a subject equally within our reach, we had an abundant supply of iron. It is as absurd for us to buy the iron, as it would be to buy the wheat, when inexhaustible supplies of both lie dormant in our mountains and our soil, and need but the labor and industry of man to call them forth, and fit them for his use. It is better for us, sir, to have our iron where it is, embowelled in the earth, than to have it thrown, already wrought, gratuitously upon our seaboard. For then, our wants would be supplied without exertion; and the very process of separating the iron from the ore, and digging it from the earth, employs a multitude of hands, who will enrich the farmer by consuming his produce. It is the business of a wise Government to find employment for labor. It would seem that there could be no doubt as to the soundness of this doctrine. Theory and practice concur to prove it sound. The experience of all nations who have adopted it, has proved it sound. There is not a nation on the face of this earth, that has not become rich, by its adoption. There is not a nation on this terraqueous globe, that has become rich without it. But, here we are met by a list of formidable objections. We shall ruin our commerce. Sir, I am as much the friend of commerce, as those who thus claim to defend it. But it is in its legitimate office that I will support it; not to control and swallow up all other interests. What is commerce, sir? It is the exchange between the producer and consumer; and merchants are the agents of that exchange. They are the common agents of both producer and consumer, who make a comfortable profit upon the articles while passing through their hands. They add nothing to the value of the commodity, not one cent. They live upon the exchange of the fruits of others' labors. The agent, sir, should never assume to control the interests of his principal. He should be subservient to them. Who are these producers and consumers in our country, to whom our merchants should be subservient? They are our farmers and our mechanics. The merchant has no right to say to them, buy, that I may import and sell; but the farmer and mechanic, as the principals of this common agent, have a right to say, suit your business to our wants; take the surplus of our produce and our labor, seek out a market for it, and bring us, in return, that which we need, and what we cannot make; but nothing to displace or supplant the fruits of our soil and our labor. Commerce is profitable only as it subserves the two great producing interests, agriculture and manufactures. So far as it interferes with them, it is pernicious. It paralyzes labor, by holding out inducements to buy what our labor might produce; and it exhausts our resources, by tempting us to buy more than we can afford, or have the power to pay for. Sir, we ought not to deceive ourselves; we ought not to withhold from the nation our conviction, that our commerce is overgrown. It is out of all proportion with our population and our wealth. We have more commerce than we can support; we have more merchants than we can support; probably four times the number that we need.

Look at our tonnage, sir, next in amount to that of the most commercial nation in the world, and approximating nearly to it; compare our tonnage with the population whose interests it should subserve. With a population of about ten millions, thinly scattered over a vast extent of country, with a considerable portion of it beyond the reach of commercial benefits, we have a tonnage nearly equal to that of England, with a population, including her dependencies in the East and West Indies, amounting to seventy or an hundred millions. France, with a population of more than thirty millions, has less tonnage than we. Can we sustain this immense commerce? How can we do it? Impoverish the farmer by taking away his market. Sir, this immense visionary fabric cannot be sustained. Our commerce has declined. Its decline will be accelerated. An impoverished yeomanry cannot maintain commerce. Where the farmer is poor, the merchant cannot become rich. The farmer is the substratum of society. There must be a foundation to build the superstructure on. This foundation is the farmers and mechanics' wealth. Take that away, and your commerce perishes. You have taken much of it away, sir, and your commerce *is* perishing. If we are correct, sir, as to the sources of our national wealth, and in the principle that commerce should look to that wealth as the only legitimate support of its permanent prosperity, then it should adapt itself, at once, to our circumstances and our wants. It would then "grow with our growth, and strengthen with our strength." Its structure would then rest on a sure foundation, and be as imperishable as our freedom and our nation. The tendency of this bill, then, will be to sustain and invigorate commerce. It will divert some portion of it into new channels, I know. But those channels will be deepened and extended. They have been so already, by a very partial adoption of our system. Our coasting trade has been greatly increased by the cotton manufactures of New England. Adopt this bill, sir, and it will soon be trebled. Our manufactures will furnish more valuable cargoes for exportation. Already have they found their way to foreign markets, and there enter into successful competition with the English. This competition will be prosecuted with still greater success. The world, sir, is as wide for us as for England; the best markets are as accessible to us as to her; and our merchants have the skill and enterprise to seek them out. We have the advantage of them, sir. We furnish for ourselves our own best market; and it is a part of our duty, directed by our wisdom, to secure to ourselves its benefits.

But there is another objection. It is contended that the principles of the bill will administer the seeds of death to our Navy, and we are invited to behave with suitable solemnity while attending its funeral. What, sir, shall we destroy our Navy—the two-edged sword of the nation; the right arm of the national defence; the winged messenger of our vengeance, and of our mercy too; our Navy, the preservation and glory of which every American identifies with his own existence! There is something in this admonition which is calculated to startle and alarm; and if these portentous consequences were not deemed unreal, the friends of this bill would hesitate, pause, and retrace their steps, and not pursue a course terminating in so fatal a catastrophe. What, sir! this bill destroy our Navy! Impossible! How is a navy sustained, sir? By the wealth of the nation. By the treasures of the Government. Impoverish the nation, and a navy cannot exist. It is a most expensive establishment. A poor nation cannot sustain a navy.

If we are mistaken as to the tendency of the system we advocate, we shall injure the Navy. If, on the contrary, it will increase the wealth of the nation, in just so much it will increase our ability to support a navy. We have timber, and iron, and hemp, for the construction and arming our ships, and carpenters to prepare and fit them for their proper use; make the nation rich, sir, give us money, and the object will be speedily accomplished. But, say gentlemen, when commerce is gone, where will you obtain your seamen? Gentlemen talk as if commerce would no more have an existence; as though exportations and importations would cease; our fishermen would be driven from the ocean, and our coasting trade annihilated. Not so. I apprehend, from this bill, but little, very little diminution of our commerce; and that diminution will be but temporary. It will greatly increase our coasting trade. It will invigorate and protect our whale fishery—our best nursery of seamen; and our exporting commerce will be extended and enlarged. Give us money, sir, and we can obtain seamen. They can be drawn from all countries. Should this bill, from this moment, exclude every article intended to be protected by it, and to be made and produced at home, still we should be able to obtain seamen enough to man our fleets, to perform the seaman's part. Landsmen, in the amphibious character of marines, on more than one occasion, have fought on board your ships, and won your victories. And this can be done again. On examination, then, the objection, though formidable in size, and plausible in appearance, is found unreal. It is *vox et prœterea nihil.*

But here is another objection: Our revenue. And what will become of our revenue? Where shall we obtain our revenue?

On this subject, Mr. Chairman, there must be some strong delusion, some strange mistake between the friends and opponents of this bill. Who pays the tax now, sir? The consumer. From what source is your revenue drawn? From the people of these United States. The merchant takes care, he never forgets to add the duty to the price of purchase, the cost of freight, and a comfortable profit on the whole. The consumer pays the whole. The farmer, sir, our own farmers, in supporting our own revenue, not only pays this tax, which goes into the Treasury, but he pays the European farmer for the wool he grows, and the European mechanic for the labor bestowed upon it. In every yard of cloth on which he pays this tax, in almost every article we buy, is wrapt up more or less of English beef, pork, flour, provisions of every kind, which have sustained the mechanic and the farmer while growing the raw material, and fitting it for market. Now, sir, the only question on this subject is, Can the consumer pay the purchase of all this, the freight, the duty, the profit, and contingent charges, easier than he can pay the duty alone? The purchase is unnecessary; the freight is unnecessary; the merchant's profit is unnecessary; all these can be dispensed with. The article can be made at home. The tax, in the shape of duty, must be paid; and the only question is, whether it be easier to pay the tax alone, or to pay that and four times the amount with it?

Mr. Chairman, I know that importations are a legitimate source of revenue. It is the readiest, easiest, and perhaps the cheapest, mode of taxation. When importations are necessary to supply our wants, and subserve our interests, they are the proper subjects of taxation. But, I protest against that policy of our Government which would create or continue that necessity for the purposes of revenue. What is the argument? Buy, that we may tax. Buy the article of a foreign nation, as a kind of vehicle, as physicians call it, to cover up and render palatable this nauseous pill of taxation. Buy, to deceive yourselves, and that we may deceive you. I protest against that system of revenue which, to put twenty-five or thirty dollars into our own Treasury, would place a hundred at the disposition of a foreign Power; which, to fill our own Treasury, would exhaust the nation and enrich a stranger. This we do now. This is our process now. I would stop this process. Its operation on the Government and country I have attempted to show. And here the question again recurs as to its operation upon the citizen. Is it easier to pay the thirty dollars into the Treasury alone, or, in paying that, to pay the one hundred dollars, in addition, to a foreign nation? So much as the purchase of the article amounts to, goes out of the country, not in the produce of the soil, but in cash, and stock, and public securities. It cannot, surely, be a good system which would drain the country of its resources to fill its Treasury. This, too, is a portion of our draining system. But gentlemen say, unless you resort to this system, you can have no revenue. The people of my district will not submit to direct taxation.

Sir, have we sworn to support the Constitution of the United States? Is that sacred instrument equally obligatory upon all? Is the power to lay and collect taxes a part of that Constitution? And are we to be told here, on this floor, by honorable members of this House, (for it is here that I hear this language,) that the people of this country will not endure to be taxed by this Government? Then what becomes of this Government? Where is the authority of your Government? Where is your boasted Constitution, and where the virtues of this people? Sir, I deny this doctrine. I protest against this drawing of the character of this nation. I say that, when direct taxation becomes necessary, the people of this country will cheerfully submit to it. They pay the taxes now. They know they pay the taxes. And who shall judge of this necessity? The people. If we disobey their will, the people have the corrective, and know how to apply it. They can dismiss one set of servants, and substitute another. I have no apprehension, sir, that the principles of this bill will induce the necessity of direct taxation; but I feel myself authorized to say that the people whom I have the honor to represent would prefer excise and taxation to our present system. They would prefer direct taxation, with the benefits of a market for their produce, to indirect taxation, to the same amount, without a market for their surplus. If they must pay a tax, they will not quarrel about the form. But the benefits of a market are of vast importance to them. What nation, sir, was ever impoverished by moderate taxation, when the fruits of it are expended at home? This should be the policy of our expenditure. Thus exercised, taxation is a medium of collecting from the affluent and rich, and distributing among the laborious, the active, and the poor. Has this been the system of our Government? No. Year after year we have purchased, with our public revenue, the wool, the flax, and the hemp of foreign nations, their munitions of war, clothing for our troops, and canvass for our ships. This is another portion of our draining system. But, sir, a moderate application of the power of taxation, with a judicious distribution of its fruits within the limits of the nation, is invigorating and benign. It is time, sir, that the doctrine should be controverted, that the people will not bear taxation. I will never believe it. The idea supposes rebellion, insurrection, treason. And against whom? Against themselves. Not against a foreign government; nor against a government over whom they have no control; but against one created by themselves, administered by themselves, and the administration of which they may change at pleasure. To talk of opposition to such a Government, in any other way than the Constitutional one, implies a madness and infatuation equal to that which terminates in suicide—a crime never committed but in a paroxysm, of delirium, or the fatuity of dementation.

But here is a question of sectional interest, which elicits unfriendly feelings and determined hostility to the bill. I deprecate the necessity of awakening these local jealousies. I regret exceedingly, that, on a question of such vital importance, and so necessary to the permanent welfare of our country, any portion of our fellow-citizens should find occasion to feel themselves injured, so as to prevent a cordial and unanimous co-operation in this, the only step of internal national policy which has ever been taken.

But so it is. The cotton, rice, tobacco, and indigo growers, of the Southern States, claim to be deeply affected and injured by the operation of this system. These complaints claim and merit serious and candid consideration, and should be obviated if possible. I cannot endure to lose friends whom I value so highly as our fellow-citizens of the South, who are growers of cotton, tobacco, &c. Let us examine the subject a little, and see if these complaints are well founded. And, first, let us inquire if the Southern planter does not demand what, in fact, he denies to others. And now, what does he require? That the North and West should buy—what? not their cotton, tobacco, &c., for that we do already, to the utmost of our ability to consume, or pay, or vend to others; and that is to an immense amount, greatly exceeding what they purchase of us. But they insist that we should buy English wool, wrought into cloth—that they may pay for it with their cotton; that we should buy Russian iron, that they may sell their cotton; that we should buy Holland gin and linen, that they may sell their tobacco. In fine, that we should not grow wool; and dig and smelt the iron ore of our country; for, if we did, they could not sell their cotton. Now we have the same capacity for growing wool, and producing iron in our country, and to as unlimited extent, as they have for cotton in the South, and we should do it to the same extent, if we only had a market. Our Southern brethren would think it very unreasonable that they should be required to stop growing their cotton, to make a market among themselves for our wool, and that they should not wear even their own cotton, for, if they did, they could not wear so much of our wool. But their objections to this bill go this length. They admit you have the capacity to produce wool to an unlimited extent, and iron also. But, "fill your market with foreign wool and iron, and woollen and iron manufactures, that we may sell more cotton and tobacco." Is this equal? No. By the bounty of Providence, in the peculiar adaptation of soil and climate, and the controlling influence of circumstances, our Southern brethren enjoy a monopoly of several staple articles, which command a steady and extensive market and a ready sale of Cotton, Indigo, Tobacco, and Rice, are four of them. These are vast and permanent sources of wealth and profit, enjoyed by no other section of our common country. These are the only productions of our country which find admittance into foreign ports to any extent; and they are now the means of purchasing the foreign fabrics consumed, not only in the South, but in the North also. I rejoice that any portion of our country is capable of producing a raw material of such universal demand. I trust they will always command a market, and be sought after by foreigners. But it is clearly unequal, and palpably unjust, that we should be required to forego our natural advantages, few and inferior as they are, for the purpose of extending theirs. The South will still be at liberty to sell their staples to foreigners, and to buy their manufactures of them. If they prefer buying of them to buying of us, we will not complain. Let them trade with foreigners. They can sell more cotton. We will still buy cotton and tobacco of them—all that we can wear and all that we can sell. If they are obliged to pay an increased duty when the goods arrive in their ports, so do we. In this we are equal. If they say that they shall consume more foreign manufactures than we, it is doubted. The North are the greatest consumers.

But, if they would avoid the increased duty, let them buy of us. We will soon sell to them as cheap as they can buy of England. Give us a market, steady and extensive, and we will soon furnish the necessary supply as cheaply, and of a better quality, than England. The example of coarse cottons is a proof of this.

But here the friends of the bill are met by a number of specious objections. We are charged with taxing the poor and necessitous, by imposing additional burdens upon articles of the most common necessity, which the poor consumer must have; that is, the poor will continue to consume the article imported, on which the additional duty is imposed, and thus be compelled to pay the additional tax. If this were true, there would be force in the objection. But if this be true, what becomes of the objection founded upon the diminution of revenue? For, if the poor continue to pay this tax in the consumption of the imported article, the revenue, instead of being diminished, will be increased in proportion to the increase of the duty. The objections are inconsistent. Both cannot stand. And again, if this objection be true, the object of the bill will be defeated; for the object of the bill is to induce the poor as well as the rich, to avoid the increased duty, by purchasing a superior and cheaper domestic article. Unless this object be attained, the revenue will be swelled beyond all due dimensions, and the friends of the bill will be greatly disappointed, and the opposers of the bill will be equally disappointed, as to its effect upon the revenue.

But the price of the domestic article will be equal to the imported, with the addition of the duty. Then the domestic article will be of a superior quality, or the consumer will buy the imported. But here lies the fallacy of the objection, and the fallacy has been shown by actual experiment, and may be made quite manifest in theory. The actual experiment to which I allude, is the article of coarse cottons. Every objection now raised against the proposed system, was vehemently urged against that experiment. But the experiment succeeded beyond the expectation of its most sanguine friends, and the objectors were silenced. So it will be as to the effect of the proposed system. The domestic article will be rendered cheaper and better, instead of dearer. The reason is obvious, but seems to have been overlooked. The proposed system will furnish a market, and a large one too. The increased demand will be met by an increased supply. And a large supply can be afforded at a cheaper rate than a small one, in the same proportion that the merchant who sells much will grow richer on a smaller profit than the one who sells but little. The principle of competition will ever render every thing on which it operates as cheap as it can be afforded. If our manufacturers can but sell what they manufacture, it will be difficult for the adversaries of this bill to show that our mechanics, with the advantages of machinery and cheapness of living, cannot manufacture as cheaply as foreigners. The only difficulty is the want of a market. Ours has been glutted to overflowing by foreign fabrics. Every expedient that ingenuity and wealth could devise, has been resorted to by foreign capitalists, and foreign politicians too; and in this they have been aided by our own merchants, to keep our markets full—to crowd in their manufactures into every empty spot—to force them back into the country, by the machinery of auction sales, and thus anticipate the wants of the country by a supply for several years. Our manufacturers cannot contend with this mighty odds. They must have a ready market; they must make ready sales or stop. Not so with the English; they must go on. They have already on hand at home, and in our markets, a supply for some time. Their immense capital, and the gratuities of the Government, enable them to do this. By this system our markets have been kept constantly filled with every thing but coarse cottons, which we have excluded by prohibitory duties.

But there are certain abstract elementary principles, very beautiful in theory, if adopted by the whole world, but totally impracticable as applicable to the relations of nations, and which no nation but our own ever did adopt, and none can adopt; and no nation having the least policy ever will adopt. "Buy where you can buy cheapest—leave trade to regulate itself;" or, in other words, permit the merchant to regulate, not only trade, but to determine what produce shall be grown in the country; and, in other words, permit the merchant, if he can make any thing by it, to import into a wheat-growing district a cheap cargo of wheat, and sell it to the consumers to the exclusion of the native wheat. True, the consequence is ruin to the farmer. He can raise no more wheat. What he has on hand he must sell at a loss, or it must perish. True, the soil has an inexhaustible supply of wheat in it, to be drawn forth by a proper application of labor to it. The laborers are here, the consumers are here, and the price of the purchase is here; and the wheat grower employs these consumers, and pays them for making his implements of husbandry and keeping them in repair; but it costs a little more to feed and clothe freemen than slaves. But trade should regulate itself; the merchant (true, he adds nothing to the wheat) can make some profit by adding something to the price; and the mechanic in the neighborhood of the farmer, who has heretofore been fed by him, "should buy where he can buy cheapest," and just now having a little cash, should buy the merchant's wheat instead of the farmer's. True, the cash goes abroad to pay for the foreign wheat, so cheaply produced by slaves, instead of going to the farmer, to enable him to pay his hired men, and raise another crop. "But trade should regulate itself;" and though the money is greatly needed in the country, you should send it abroad, to buy where you can buy cheapest, and you will thereby encourage commerce, and support the merchant, without reducing him to the necessity of productive labor. The same remarks are applicable to every other thing capable of being produced or made in this country. Take the article of wool. The farmer has it in abundance, or, which is the same thing, the capacity or capability of producing it in abundance; and he needs the manufacturer's cash. But, says the manufacturer, I must buy where I can buy cheapest. I can buy foreign wool cheaper than I can buy of you. True, it is not so good. True, you buy my cloth, and, unless I buy your wool, you cannot continue to grow it, nor to purchase my cloth. True, if I exchange my cloth for your wool, it matters little what nominal value we fix upon the articles, so that I get a reasonable compensation for my labor; and, though you need some cash with my cloth now, yet the person to whom you pay that cash needs it, perhaps, for the very purpose of buying cloth of me, and that will enable me to purchase more wool of you, or to buy more machinery, or pay my laborers; and thus we should retain it in the country, and keep it in circulation among us; yet I should violate the standing maxim of buying where I can buy the cheapest; so, I must send my money abroad to buy wool, where I can buy it cheapest, and you, and all my fellow-citizens, must send your money abroad to buy cloth where you can buy cheapest, and you must stop growing wool, and I must stop making cloth, and we must both do—what? Nothing, but buy, because we can buy cheap. Here, sir, is the cheap buying doctrine, your self-regulating doctrine; and the farmer and manufacturer, above mentioned, stripped of their cash, and reduced to the necessity of doing nothing, is a miniature picture of this our happy nation, and illustrates the blessed effects of these theoretical dogmas. The foreign tyrant, who compels his slaves to work for nothing, and to go naked and hungry, could not wish more subtile and sophistical advocates than those who urge this doctrine here. It induces us to buy of him. The purchase goes into his coffers; his treasuries are filled; his armies and navies are sustained; his power is confirmed; and he is enabled to rivet his chains upon the nations.

Sir, this cheap buying doctrine is not suited to our condition, in our relation to other nations. To regulate our intercourse among ourselves, it is correct. To regulate our intercourse with foreign nations, it is, to say the least, unsound. The price of living is the price of labor; and, inasmuch as freemen will live better than slaves, and therefore consume more than slaves, in just so much will their labor cost more than slaves, as between them and their employments; in just so much will their condition approach the condition of their employers, and in just so much will they divide the profits of the business with the employer. The laboring classes of this country, be they rich or be they poor, through the blessing of Providence, stand on an equality, in point of privilege, with the kings and the nobles of the earth. Their style of living is, in some measure, correspondent to the dignity of their rank and station. It is respectable and comfortable, raising, in a proportionate degree, from servility and degradation, that portion of our fellow-citizens. The price of their living is proportionately expensive. This increase of expense must be sustained by increased wages—by an enlarged price for their labor. This price for their labor must be added to the price of their manufactures; and this must be paid by the consumer. God grant that the comfort and respectability of this class may always be thus sustained: God grant that we may never be able to compete with foreigners, in the point of cheapness of their labor, unless it be by elevating that class of the human family abroad, increasing their wealth and importance, and adding to the price of their manufactures, by adding to the price of their labor. We know many of them now to be miserably depressed. The scantiness of food and clothing which their wages supply to them, is extremely distressing. It is the want of abundance of wholesome food and comfortable clothing, and excessive over-working, that enfeebles their frames, and renders them meagre and sickly. Thus, the very flesh and blood, the life, of foreign mechanics, is wrought up into their fabrics, to render them cheap. The poor mechanic, reduced to pauperism, is supported by the parish, and let out to the manufacturer, to obtain a fourth, an half, or any other portion of weekly wages. This is common. The labor costs next to nothing. This renders their fabrics unnaturally cheap. Cheapened by distress; cheapened by the tears and groans of the wretched; cheapened by the shrivelled limbs and famished frames of the poor laborers. To cheapen them still more, and to keep our manufactures down, the English Government, I am well assured, pays a bounty, in the shape of loans, to the amount of several millions, to their manufacturers, to encourage them to go on and multiply their fabrics, and enable them to wait for a market, and sell them eventually for any thing they will fetch, for almost nothing.

And does this policy exhaust the English Government or the English nation? No, sir; it enriches them. Whatever they can sell their manufactures for, is so much clear gain. The greater the price, the more gain, to be sure; but any price is so much gain, so much tribute to England. This will appear, when we consider what it is that England sends abroad in the shape of manufactures. I mean, as to the mass of them. They cost her no cash. She sends abroad, in them, no cash. She produces the raw material. She has the mechanics and machinery to work it up, and her farmers to feed the artisans. These are her powers. By putting them in motion, her manufactures are produced. She sends them to us, and fills our markets. If she could not send them abroad, this motion would, to a certain degree, cease. She sends out nothing which would exist, if she did not send it out. It is her labor, wrapped up in a thousand various productions of her soil and mines, which she sells us, and we buy, which would in so much cease, if we did not buy. This labor is necessary to her health and vigor. When it stops, she must perish. She should then work for almost nothing over and above supplying her own wants, rather than be idle. She knows this, and therefore is not idle. If the master of the establishment cannot keep his hands at work, for the want of a ready market, and must dismiss them, the parish pays their subsistence, and the work goes on; and if that be not enough, the Government furnishes the raw material, and the work goes on. This costs nothing. The money does not go out of the kingdom—the power does not go out of the kingdom. It is but the effect of these powers, which does not exhaust or enfeeble her at all, but, on the contrary, keeps her in healthy action, and enriches her by just so much as she gets for her goods. Well may she afford to crowd them into our markets, and drive them into the country, by sales at auction, for if she can sell them for any thing more than the duties we impose, she is a gainer, and we are the loser. For, in just so much as England gains, we, or some one else, lose. We are exhausted. To be sure, we get an equivalent for our money, and perhaps more, but we consume it, when we might make it. England gets our money, and she does not consume it. This is the secret of her wealth and of our poverty. By this process of selling, England has been rendering all the nations of the earth, and us more than any other nation, tributary to her for centuries. A small tribute from all the various sections of the world, concentrated in so small a space, amounts to an enormous sum. Hence her wealth. It did not spring up out of her own soil. Her labor and ingenuity did not constitute it. They were the means. She exchanged these means for the gold and the silver and substantial wealth of other nations. With the wealth she has acquired, she is independent of the markets of the world so long as her own realms can produce the raw material, and subsistence for her population. And will gentlemen insist that we must buy of England, because we can buy of her so cheaply, when they examine the causes of that excessive cheapness? and do they look for the operation of those causes in this our country? I trust in a merciful Providence that neither we, nor our children, nor our children's children, may ever witness them here. And yet I do hope we shall no longer pursue a system of buying almost all we consume, except our food, and a great deal even of that, merely because we can buy cheaper than we can make or produce ourselves. We must stop this progress of depletion, or it will be stopped by perfect exhaustion, and the self-regulating system would never check the evil, until it terminated in debility and death.

Mr. Chairman, there are many other interesting topics of discussion, growing out of this subject. But I have trespassed too long, already, on the patience of this Committee, and I forbear. In conclusion, permit me to indulge the hope that the principles of the bill on your table will prevail. I see in them the wealth, the honor and independence, of my country. Adopt them, and ours will be, "the flocks upon a thousand hills." We have millions and millions of acres peculiarly fitted to the culture and pasturage of sheep. Give us our own market for their produce, and we will soon cover them. The sturdy arm of labor shall cause our mountains to disgorge their concealed treasure; the busy hum of industry shall succeed to the stupor and listlessness of poverty and idleness; and the voice of complaint and distress which now resounds from every quarter, shall be lost in the song of thankfulness and praise for deliverance from the evils under which we now suffer.

When Mr. Martindale had concluded—

Mr. A. Stevenson rose, not, he said, to make any remarks in reply to the speech which had just been delivered, but to dissuade both the friends and the opponents of the bill, from going into a discussion of its general principles, on the present motion. He thought the course pursued by the gentleman from New York, was without a parallel. After the House had, for two weeks, been engaged in a discussion which touched the vital interests of the country—after the two sides of the House, in relation to that discussion, had agreed, first to go into the several items of the bill; then to take up its general principles; and, if a decided majority should appear to be in its favor, then to agree to make its provisions as little exceptionable as possible—for that gentleman to get up and occupy the Committee for two days, with a speech against his own motion, and on the general principles of the bill—this was offering an indignity to the House, and was a course which this House ought to spurn. He hoped that a unanimous vote would pass, without discussion, against the motion, and he called on the friends, as well as the enemies of the bill, to pass such a vote.

Mr. Floyd hoped that the House would vote for the gentleman's motion, and against his speech—in which it would appear that the gentleman had been peculiarly unfortunate, since scarcely any orator before ever failed of convincing, at least himself, that the measure he proposed was proper. In ordinary cases, Mr. F. said, he was against a motion of this kind; but this bill was of such an enormous character, that he should advocate the motion; it ought rather to have been entitled a bill to tear up commerce and destroy agriculture, than to amend the duties on imported articles.

Mr. Clay was glad that gentlemen would, with whatever views, now vote on the general question; but he saw no cause for so much excitement against the course of the honorable gentleman from New York. It was, to be sure, unusual; it was not one to which he should have advised him. But it had only been adopted to bring up for discussion the general principle of the bill as separated from its details. But, though the course in its form, was unusual, it was not so very unusual to see gentlemen make a speech on one side of a question, and afterwards vote on the other. He had seen frequent instances of this in his public life. He trusted gentlemen would not vote in favor of striking out. As to the bill going to tear up commerce, and God knows what—all that belonged to the discussion of its merits. And if the honorable gentleman from Virginia thought that such was its tendency, he should show it by argument rather than by violent expression. He hoped to hear that gentleman (to whom he always listened with interest) in answer to arguments in favor of the bill.

Mr. **MARTINDALE** rose, in reply to Mr. **STEVENSON**, and observed, that he had yet to learn that a motion which had been pronounced in order by the Chair could, with propriety, be considered as an indignity to the House, and if not with propriety, in what spirit had the remarks been made upon it which fell from the gentleman from Virginia? He would not say that those remarks offered an indignity to the House; but he would say that they were not according to the rules of this House. He had prefaced his motion, at the time he made it, with the explanatory remark, that the bill contained general principles equally applicable to one as to another of its items—that it was proper these principles should first be discussed, as otherwise their discussion would come up under each separate item, and might be repeated again and again, and it was likely they would, since gentlemen had given open warning that they meant to oppose the bill, step by step, and inch by inch. Would this be economy of time? In making the motion he had submitted, Mr. M. said he had taken his own judgment alone for his guide, and the established rules of this House, and he was not conscious of having offered to it any indignity.

Mr. **STEVENSON**, in reply to the Speaker, observed, that, while complaining of excitement in others, he seemed to have shown quite as much himself. In answer to the gentleman from New York, he disclaimed all reflection on the motives of that gentleman. He spoke only of the aspect and bearing of his motion, in connexion with the speech that accompanied it. He thought the course not only unusual, but disrespectful—inasmuch as, by parliamentary usage, the motion to strike out the enacting clause of a bill should proceed from those who are opposed to its passage.

Mr. **MARTINDALE** said, that when he made the motion, he was not aware of any understanding entered into as to the course of discussion, nor did he think that any such understanding could properly exist.

Mr. **COOK** said that the gentleman from Virginia (Mr. **STEVENSON**) would defeat his own object, if he succeeded in obtaining a silent vote on the motion to strike out, as such a motion, once passed upon, could not afterwards be repeated, and thus all general discussion would be precluded. But if he had rightly understood the gentleman from Virginia on his left, (Mr. **BARBOUR**,) it was the wish of members that the general principles of the bill should be discussed in the first instance.

Mr. P. P. **BARBOUR** explained that he did not mean before the items had been gone through with.

Mr. **COOK** advocated that discussion, in order that the general objects of the bill might first be settled. If it was a bill to advance the general wealth and prosperity of the country by a system of home protection, it would require one kind of discussion; but, if it was merely a revenue bill, it would require quite another.

Mr. **MCDUFFIE** said that there were no general principles that applied to the whole bill. It was a mass of particulars; and different principles were involved in each of its two hundred and sixty items. He, therefore, suggested to the gentleman from New York the propriety of withdrawing his motion.

The suggestion not being complied with—

Mr. **CLAY** observed that some experience in legislative bodies had taught him that more stress was often laid upon the modes and forms of doing public business than was at all necessary. If a discussion of the general principle was desired, it might be brought up on any one of the items of the bill. It would necessarily come up in a variety of forms. It was, however, the established parliamentary usage that a motion to strike out the enacting words (formally the first section) of a bill should precede the motions to alter its several features. This was the course lately pursued on the bill for internal improvements. Mr. C. again defended the gentleman from New York.

Some farther conversation took place on the mode of proceeding to be observed in the farther progress of the debate.

Mr. **FLOYD** made some remarks, which were heard but imperfectly.

Mr. **LIVINGSTON** protested against his vote not to strike out, being understood as committing him for the bill as it stood, because he viewed it, in its present form, as pregnant with mischief, but thought it might, with proper modifications, become the source of great public blessings.

Mr. **HAMILTON** said that he was not so incorrigible an infidel, in respect to the specific virtues of the bill, as gentlemen seemed to suppose. That when he had formerly said he should oppose it inch by inch, he meant in its then form; but, if suitably modified, he might possibly vote for it. But its friends seemed to wish to act the part of Dr. Sangrado, and not only compel the opponents to swallow the bill, but to swallow it whole, without any alteration.

The question being put on striking out the first section of the bill, was decided in the negative, 14 only rising in its favor.

The question then recurring on Mr. **BRENT'S** motion to strike out the clause laying a duty on cotton bagging—

Mr. **POINSETT** rose principally for the purpose of corroborating the statement made by his friend from Louisiana, in his argument to prove that the price of the cotton bagging was not paid by the consumer. In every market in Europe there is a tare allowed for the bagging, varying from four to five and six per cent., and a further deduction is made for the cotton which is frequently stained by the bad quality of the bagging. It is on this account that the cotton bagging of Kentucky, when brought into the same market with that of Dundee and Inverness, always sells from 50 to 75 per cent. lower. His friend from Pennsylvania (Mr. Buchanan) would readily perceive, therefore, that nothing short of a prohibitory duty will effect the object gentlemen have in view.

Mr. Hogeboom objected to this duty, as bearing unequally on a particular class of the community. Those articles which bore an ad valorem duty were in the bill proposed to be raised only from 20 to 25 per cent., while on this article of bagging an increase of duty of from 60 per cent. was intended on that formerly laid. The chairman of the Committee on Manufactures confessed that the duty would be prohibitory. The honorable Speaker said it would only produce a competition between the American manufacturer and those of Inverness and Dundee. On that competition he wished to submit a few remarks. Those two small Scotch towns were situated in a high Northern latitude, (one in 57°, the other in 58°, N.,) in a poor and cold country. In order to procure the material for this cotton bagging, (there called *hemp sacking*,) they had to send up the Baltic, about twelve hundred miles, to Dantzic, and bring it to Inverness. All the fuel they used was brought from London and Liverpool. All the food they ate they bought. They were at great expense to get the article; for, having nothing to send out in exchange, their vessels went up the Baltic in ballast, and had to pay Sound duties at Elsineur. They were at great expense in sending out the manufactured article to this country, for it was bulky; they paid freight, commission, and insurance. And with all these charges on the article from its origin, and the duties added on its importation, they entered the market with the manufacturer of the West, who raised the material at his own door, and lived in a country where provisions were cheap and abundant, and yet they undersell him. How could this be? What was the explanation of a fact so extraordinary? It was, Mr. H. said, to be found in this—that the weavers of Inverness and Dundee worked with a degree of application that was unparalleled for sixteen hours a day—that is, one-fourth more per day than the laborer of the West, and two-thirds of the value of the coarse article they made lay in the labor they bestowed on it. Putting its value at 30 cents a yard, 20 cents of this price was purely the effect of labor; now, one-fourth of 20 cents is 5 cents; so that their extra labor, beyond the workman in this country, was equal to 5 cents a yard on all the bagging they manufactured. This was the whole secret. The Kentucky manufacturer will not work so hard as the Scotch manufacturer; and shall we for this, said Mr. H., lay a tax on our farmers? I spurn at it. I will act for the whole of my country—I will give to all alike—for this I came here, and in this course I hope I shall ever be found. The honorable Speaker, in his zeal for the manufactures of his State, forgot the line which says—

"Help me to look at others' woes."

Mr. H. further said, that he should not have risen had a single man from the northern part of his own State spoken on any but one side of this question. He contended that the duty was not paid by the consumer, but by the grower of cotton; and if gentlemen meant to lay a duty on the cotton growers of the South, let them come out and say so at once. Was the cotton trade an unprofitable one to the United States? On the contrary, there was no branch of its trade more profitable. Yet he was not opposed to the whole bill. Some of its features he highly approved. But he was a decided enemy to this duty on cotton bagging.

Mr. Burton said, that from the account given by the honorable Speaker, of the manufacture of this article in the West, it appeared that little or no capital was needed to carry it on. Much of it is performed by children, and living is low. Yet the Scotch article is furnished cheaper than the American. The reason Mr. B. stated to be in the dense population of Scotland, where every branch of labor was fully occupied, and its price diminished to about sixpence or a shilling a day—while in the west of our country it was forty or fifty cents. Mr. B. asked if it was just that all the rest of the Union should be taxed to make up this difference in the price of labor between Scotland and Kentucky? He knew that State was under great embarrassments at present, but she would soon get relief. She began to export much tobacco in addition to her hogs and horses. Yet the restless spirit to which the Speaker had with truth alluded, urged them to seek to bring a new article into the market; and they say to the people of the South, "do you be so good as to be at the whole expense of our bringing this new article into market." Instead of this, they would do better to attend to the raising of *people*. Judging from the specimens on this floor, they would excel in that branch of domestic manufacture. The staple articles of export from North Carolina used to be pork and bacon, which they carried into Virginia; but Kentucky had, in a great measure, superseded this trade by underselling Carolina. She had lost the market, and was driven to the growing of cotton. How would the West like it if Carolina should ask Congress to make up to her the difference between the sterile and worn out soil of Carolina, and the fresh and fertile fields of Kentucky? Yet such a request would be as reasonable as that now urged by Kentucky.

Mr. Owen, in reply to Mr. Trimble's remark, some days since, upon the weight of bagging being included in that of the bale of cotton, and sold as cotton, produced a calculation to show that, in Liverpool, (the ultimate market, by which the price of cotton was regulated,) a deduction in weight was made for the bagging and the bale rope of three per cent. on uplands, by which a bale of 360 lbs. lost 11½ lbs.; Louisiana cotton lost 18½ lbs., and Havre de Grace 25 lbs.—much more than twice the price of the bagging.

Mr. **Trimble**, in reply, said, that this loss fell on the foreign consumer, the various charges being eventually added to the price of the article; so that, in the end, the bagging and cotton going in together to make up that price, the bagging did sell as cotton. If it cost the planter less than cotton, he gained by it; if more, he lost. Mr. T. illustrated his position by comparing the tare and transportation on cotton with those on tobacco, and concluded by inquiring whether the gentleman from New York (Mr. **Hogeboom**) meant to advocate such a form of the tariff as would compel the people of Kentucky to work like beasts of burden sixteen hours a day? Was this the equality he spoke of? He said he would protect iron and wood, but not bagging. Let the iron forgers work sixteen hours a day, and let the sheep eat sixteen hours a day, and they would need no more protection than the manufacturers of bagging.—Surely, seven large States could raise hemp enough, and manufacture it too, to supply five comparatively small States. He protested against making the people of the United States beasts of burden.

Mr. **Hogeboom**, in reply, said, that according to the gentleman's own illustration from tobacco, the question resolved itself into this—whether it was better to go to a market where, on a hogshead of tobacco worth $150, tare was deducted, than to take it to another market where the same hogshead brought $150 without any tare being deducted at all.

On motion of Mr. **Livingston**, the Committee then rose, and the House adjourned.

Wednesday, February 25.

Mr. **Williams**, of North Carolina, from the Committee on Claims, to which was referred the bill from the Senate, entitled "An act for the relief of James Johnson," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. **Alexander Smyth** made a report on the Message of the President of the United States, transmitting a statement prepared by William Lambert, explanatory of his astronomical observations and calculations, made with a view to establish the longitude of the Capitol; which report was laid on the table.

Mr. **Campbell**, of Ohio, from the committee appointed on the memorial of the Columbia Institute, made a report thereon, accompanied by a bill for the benefit of the said Institute; which bill was read twice, and committed to a Committee of the Whole.

The House proceeded to consider the resolution laid on the table by Mr. **Wright**, on the 17th instant, and, being read, was agreed to:

Ordered, That the report of the Committee on the Public Lands upon the subject of the robbery of the land office at Vandalia, in the State of Indiana, be committed to the Committee of the Whole House to which is committed the bill for the relief of the assignees and legal representatives of John H. Piatt, deceased.

Mr. **Bailey**, offered the following:

Resolved, That the Committee of Elections, to which were referred several papers respecting the right of the member returned from Norfolk district, in Massachusetts, to his seat in this House, be instructed to report whether any other members, returned to this House, were not, at the time of their election, inhabitants of the States from which they were respectively returned, with the facts of the cases, and their opinion thereon; and that the committee have powers to send for persons and papers.

Mr. **Bailey** supported his resolution, and objected to the principle that mere living in a place constituted inhabitancy, in the sense of the Constitution, and showed that, if admitted, it would apply to foreign Ministers, and would exclude sitting members of this House; and he quoted precedents.

Mr. **Sloane** replied to Mr. **Bailey**, and opposed the propriety of the resolution, inasmuch as the House was already in possession of sufficient information on the subject.

After some farther observations from Mr. **Bailey** and Mr. **Forsyth**, the resolution was adopted.

On motion of Mr. **Jennings**, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what further legislative provision may be necessary to secure the accountability to the Treasury, of the clerks and marshals of the circuit and district courts, for fines and forfeitures which may accrue to the United States.

On motion of Mr. **Sibley**, the Committee on Agriculture were instructed to inquire if an increase of the duty, now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and, if there be any such article, to name the same, together with the additional amount of duty which they deem beneficial to the agricultural interest.

On motion of Mr. **Stewart**, the Committee of Claims were instructed to inquire into the expediency of granting to Colonel Rees Hill a just compensation for certain expenditures by him incurred, in furnishing supplies, &c., for the regiment of militia under his command, on the northern frontier, during the late war with Great Britain.

Mr. **McKean** submitted the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the justice and propriety of so altering and amending the act of the 18th of March, 1818, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," and the several additional and supplementary acts thereto, passed May 1st, 1820, and March 3d, 1823, so that the provisions of the aforesaid act of the 18th of March, 1818, shall be extended, generally, and without distinction, to all and each of the surviving "commissioned and non-commissioned officers, musicians, private soldiers, and all officers in the hospital department and medical staff, who served faithfully in the war of the Revolution, for the term of nine months, or more, at one period of the war;" and, also, to every commissioned officer, mariner, or marine, who served at the same, and for a like term, in the naval service of the United States, without having reference or re-

gard to the amount of the property possessed by any such individual, and also, without regard to any particular description of troops in which such person may have served.

The resolution being read, the question was put, "Will the House consider the same?" and was determined in the negative.

On motion of Mr. Little, the Committee on the Judiciary were instructed to inquire into the expediency of increasing the per diem allowance of jurors attending the several district courts.

On motion of Mr. Henry, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of placing Larkin N. Akers, (a soldier who was wounded in the head, in Dudley's defeat, during the late war, and has from that cause been afflicted with paroxysms of epilepsy,) upon the pension list.

Mr. Richardson, of Michigan, moved the following resolution:

Resolved, **That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a district court of the United States in the Territory of Michigan.**

The resolution was read, and laid on the table.

On motion of Mr. Forsyth, the Committee on Naval Affairs were instructed to inquire into the expediency of providing by law that all persons who shall voluntarily engage to serve in the Navy six months, during peace, and twelve months during war, shall be exempted from all militia duty, except when in cases of great public danger the levy in mass shall be ordered—collectors of the customs, on receiving the names and description of the persons making the engagement, to register the same, giving to each person so registered, a certificate of registry, setting forth his name, age, place of nativity, height, complexion, and general description. Every master of a merchant vessel, whether engaged in the coasting or foreign trade, to specify in his shipping articles, in an appropriate column, opposite to each person's name, such as did or did not, on signing the articles, produce certificates of registry. Every master of a merchant vessel, whether engaged in the coasting or foreign trade, to deposite in the office of the collector, at every port in the United States, from which he may clear or enter his vessel, a certified copy of his shipping articles. The collector of the customs to transmit, quarter yearly, to the Secretary of the Treasury, the names and quality of persons belonging to vessels entering or clearing at the custom-house, within the quarter, designating those who enrol themselves, from those who do not. Whenever the service is required by Government, the persons to perform it, to be ascertained by lot; no person to perform two tours of duty, till all those who are liable to serve, and are within reach of the Government, shall have served their tour. Persons in the public service, to be liable to all the discipline of the Navy, to have the same pay and rations as if regularly enlisted, the same pensions, if disabled while in the public service, and the same prize money; to be punctually discharged when the time of service shall expire, and, if unavoidably detained, to receive as a compensation, twenty-five per cent. in addition to their pay, for the surplus time. After eighteen months from the date of the act, no person to be considered as a destitute American seaman in foreign countries, and as such entitled to relief under the act or acts of Congress, who shall not have enrolled himself to serve in the Navy as aforesaid. That authority be given to Government to take apprentices, native boys, not less than twelve, nor more than fourteen years old, to serve in the Navy seven years, the number, annually, to be one to every two guns mounted on board ships in commission; the United States to provide a schoolmaster for every national vessel of not less than twelve guns, to teach the apprentices reading, writing, and cyphering, and such other branches of learning, as their capacities may indicate; to find them food and clothes, and, after the expiration of the fifth year, to allow them two dollars per month; at the expiration of the seventh year, to give them a full suit of clothes, and, if meritorious, a certificate of good behaviour, and a sum of money not exceeding twenty dollars; the most promising may be selected during apprenticeship and promoted to midshipmen, master's mate, or any other inferior grade of office; if promoted to midshipmen or master's mates, then their indenture to cease from the day of their promotion; a roll to be kept in the office of the Secretary of the Navy, of all apprentices, showing their age, nativity, and date of their indentures; apprentices transferable from ship to ship, as the good of the service may require, which will give them a knowledge of all classes of ships; that merchant vessels shall take apprentices: vessels of 100 tons, one; 200 to 300 tons, two; of 400 to 600 tons, three; of 700 tons, four; &c. &c.

On motion of Mr. Metcalfe, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation for the payment of Philemon Thomas, Benjamin P. Thomas, and Lewis Craig, for services rendered in taking Fort Baton Rouge, in 1810, and for losses sustained by them in effecting that object.

On motion of Mr. Livingston, the Committee on the Public Lands were instructed to inquire into the propriety of making provision by law for the making roads, *levees*, and other such works on the lands of the United States, in the State of Louisiana, as would be required if such lands were in the hands of individuals.

On motion of Mr. Breck, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of altering the times appointed by law for the payment of pensions.

On motion of Mr. McCall, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a mail route from the Creek Agency in the State of Georgia, passing by Fort Gaines, to the new seat of government in the Territory of Florida.

The Speaker laid before the House a communication from the Secretary of the Treasury, accompanied by a report from the Commissioner of the General Land Office, respecting the construction given to the act of 1821, for the relief of purchasers of public lands, as relates to the compensation of registers and receivers of the land offices, made in obedience to a resolution of the House, of the 11th instant; which communication was referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act to repeal in part an act, entitled 'An act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned," with amendments. The Senate have also passed a bill, entitled "An act supplementary to 'An act to perfect certain locations and sales of the public lands in Missouri,' passed April 26th, 1822," in which amendments, and bill last mentioned, they ask the concurrence of this House.

The bill was read twice, and referred to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to repeal in part an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," were read and referred to the Committee on the Judiciary.

THE TARIFF BILL.

The House resolved itself into a Committee of the Whole on the state of the Union, on the bill to amend the several acts for laying duties on imports.

And the question still being on the motion of Mr. **Brent** to strike out the clause of the bill laying a duty of six cents a yard on cotton bagging, the debate was renewed, and it continued with unceasing ardor till past four o'clock.

The debate was opened by a speech from Mr. **Livingston**, of Louisiana, (on whose motion the Committee had risen the evening previous.) Professing himself decidedly friendly to the encouragement of domestic manufactures, he addressed himself, as a friend, to the friends of that measure; and urged, as a general principle, the propriety of extending legislative encouragement only to such manufactures as there was a reasonable prospect would flourish if protected. Cotton bagging, he contended, was not one of these. It was the very last that needed it, for it required, as had been admitted by its friends, little capital or machinery, and the hands employed in it could easily be turned to another occupation. To these features he would add another. The raw material concerned was not, and never could be, raised in abundance and of good quality in this country. The proof of this was to be found in the fact, that a protecting duty, gradually raised, since 1790, from $10 to $20, to $30, and now to $40, per ton, (100 per cent. beyond the price of the article itself, in Russia,) had proved insufficient to produce it. We had manufactures in this country, the material of which was hemp, they were flourishing, and yet, such was the inferiority of the American article, that they preferred to pay this enormous duty to making any use of it. If asked for the reason of this inferiority, he could not explain it; gentlemen tell us it is in the manner of rotting it; he doubted the fact—but, be that as it might, good hemp was not made.

Mr. L. in the course of his remarks, complained that a duty should be laid on all the cotton growing States, not for the good of the whole Union, but of a single State; for the manufacture existed in Kentucky alone. He doubted that the duty, if laid, would prove any material benefit, even to the Kentucky manufacturers, because the article they made was so inferior, that the foreign would still be used in preference. Mr. L. quoted a price current of 1822, to prove that when the price of the imported bagging was 45 to 50 cents, that of the home made was only 25; there was always a difference of at least 10 cents a yard. The Kentucky bagging was not so strong, and it stained and injured the cotton. Gentlemen, indeed, tell us it *will* be made better, and to produce this, they would exclude the foreign article altogether—strange, that, when all competition was removed, the article should improve, in proportion as all inducement to improve it was taken away. If it could have been made better, it would have been, long ago. As to the prohibitory duty's keeping money in the country, Mr. L. said, the Dundee manufacturer had only to remove to New York, carry on his factory till he had made a fortune, and then retire to the banks of the Tweed, and what would this country gain? He entreated gentlemen not to identify this duty with the bill, and vote for it on party principles against the opposers of the bill. They might approve and vote for the bill, and yet strike this out as pernicious.

Mr. **Sharpe**, of New York, then rose, and said, that he would be the last man on that floor, to cramp the commercial interests of this country; but agriculture and manufactures went hand in hand with commerce, and unless they were fostered, that must soon perish. Mr. S. said he must look at things as they had been, and as they now were. He described the flourishing state of these interests while the calamities of Europe continued, and their sudden depression at the restoration of peace. The fostering of similar interests at home by the European Powers, left us without a market for our products. The farmer hung his harp upon the willow, and the merchant began to turn his capital to manufactures. But, while Europe shut out our breadstuffs, we continued to import her manufactures—the country was perfectly inundated by them, and drained of its last dollar to pay for them. The precious metals disappeared, and we supplied their place by lampblack and rags. The country was as completely inundated with paper money as with British goods.

Yet we are told—let agriculture alone, it will regulate itself; let commerce alone, it will regulate itself; let manufactures alone, they will regulate themselves. What were gentlemen sent here for? to let agriculture, commerce, and manufactures alone?—to let them alone, till, having languished and died, they had regulated themselves! Would gentlemen tell their constituents that they had rather read their petitions, and then let them alone to regulate themselves?

Mr. S. then stated the question, as now before the Committee; said the South was the last part of the Union that should complain, having protecting duties on cotton and sugar, and asked whether it was not a stain on the American character that a country that raises the finest cotton on the face of the globe, should be dependent on two little Scotch towns for a bag to put it in? Was this the result of prejudice?—if so, how different a prejudice was it from that which our fathers felt, when they brought away even their dwellings with them—dwellings, some of which stand at this day, as monuments of the sort of prejudice that then prevailed.

It was said this was a war between Louisiana and Kentucky—a new scheme of the West. [Here Mr. **Cambreleng** rose, and denied having used that expression.] Mr. S. said that other States, besides Kentucky, were concerned, and would gladly enter into the manufacture, if protected. He then stated the nature of the trade of Kentucky, dwelt on her entire dependence on the Southern States for a market, and urged this as an argument in favor of a protection for this branch of her industry. Mr. S. greatly doubted what was advanced about our inability to make this article; he never could bring his mind to believe that it was beyond the utmost reach of American ingenuity and enterprise to *make a bag*. As to its staining the cotton, that was a complaint never heard on this side of the Atlantic; he rather thought the stain was felt to be on the Scotch character and interest, and hence the complaints. He did not believe the addition of three cents to the present duty would amount to a prohibition; but if it did, some small sacrifice ought to be submitted to for the good of other parts of the Union. On this principle he had voted for the duty on foreign spirits, because he thought Connecticut should submit to that sacrifice. She would have an equivalent in the duty on straw hats. So in this article, the number of yards imported might be diminished; but the manufactures of the country would be benefited, and ultimately the price to the planter reduced rather than augmented.

Mr. S. insisted that to the planter the merchant who buys his cotton for exportation is in fact the consumer; he allows only two pounds tare on a bale; all the rest of the weight of the bag is sold as cotton. Whereas the farmer is forced to allow the full tare of his tobacco hogshead or flour barrel. Mr. S. quoted a Louisiana price current of last month, to show that while the foreign article is bringing from 24 to 26 cents, the home-made brings from 18 to 19—a very different proportion from that quoted by the gentleman from Louisiana.

The precious metals were so plenty in England that the Bank of England sends them to the country banks, free of expense, and lends to farmers, on bond and mortgage, at 4 per cent.; dollars were under par 6 or 8 per cent. While here the precious metals have almost disappeared, and farmers cannot get loans at any rate of interest. Yet we are told, let things alone.

In conclusion, Mr. S. said that it was urged, that, if we lay this duty, England will cease to take our cotton; he was under no such apprehension. Even our duty on coarse cottons themselves had produced no such effect. England never took a pound of our cotton out of favor; nor will she for a moment, if she can get either better or cheaper. She will serve that as she has done our breadstuffs, the moment she can; but it was not a threepenny duty on a bag that will produce such a result.

Mr. **Livingston** replied, and thought it was not treating the understandings of gentlemen with respect, to urge that the three cent duty on cotton was a protection, when, instead of importing, we largely exported the article. Let the duty be repealed, instantly, no cotton-grower would complain. He admitted that the duty on sugar did, in some degree, protect that article; but it was laid with such intent, and would have been laid for revenue, had Louisiana not made a single pound of sugar. As to the manufacturers of the North taking the Southern cotton, would they take it if they could get it as cheap elsewhere? England, then, acted as they did. But the gentleman says there is no danger of her ceasing to take our cotton, even though we cease to receive her manufactures. But did not the gentleman from Connecticut (Mr. **Tomlinson**) state to the House that the Connecticut merchant takes the West India rum at a dead loss for the sake of the profit of the outward cargo? And the same principle might induce England to take our cotton. Withdraw the inducement, and she ceases to take it.

Mr. L. reiterated his question, why was not good hemp raised here, if it could be raised? A duty of $40 a ton, and a difference in price of $40 more, made, together, a bounty of $80 a ton to the American hemp grower over the hemp grower of Russia. Were the people of Orange county mad or blind? They must be one or the other, if, with such a bounty, they did not raise the article. The manufacturer refused to take our hemp, and now, to aid manufactures, you propose to increase the duty on foreign. Very extraordinary. Gentlemen say lay the duty, and the hemp will be better. He believed no such thing; but that it would rather grow worse. As to the argument from the reduced price of coarse cottons, the fact was true, but the inference false; because that was an article the very reverse of this. There, the material was abundant, and of the best quality, and almost the whole value of the manufactured article was derived from machinery; here, the material was acknowledged to be bad, and the manufacture employed no machinery at all.

Mr. **Sharpe** explained. He did not complain of the duty on sugar; but only urged it to show, that, above all other States, Louisiana should not complain. When she sent two hundred hogsheads of sugar to the North, the protecting duties on that quantity amounted to six thousand dollars, over and above the price that would otherwise have been paid. As to the bad quality of the hemp, it arose from not being water rotted, and he had heard a Southern gentleman say that there was not water enough in Kentucky to rot it. If so, he wished to supply, from elsewhere, both water and hemp.

Mr. **LIVINGSTON** resumed. The gentleman says they can make good hemp in New York. I again ask him, "Why don't you then?" For want of a market? No. There are flourishing manufactories of sail duck and cordage at your very door. Why don't you take it to Patterson? Because the people at Patterson won't take your hemp.

As to the duty on sugar—there are, in Louisiana, perhaps two hundred persons who make sugar; and because these two hundred persons receive a benefit from a general law of the whole Union, must therefore all the other inhabitants of Louisiana be taxed for the benefit of Kentucky? Shall I sacrifice ninety-nine of my constituents because one is benefited? Away with such arguments!

The gentleman has produced a late paper to show that the home bagging is now within six cents of the foreign, in the New Orleans market. I will explain this. The planters have all got their supply, long since, and the price is now merely nominal. But why any difference? It is from prejudice, they tell us. Why, sir, we know no more of the Scotchmen at Inverness, than that gentleman knows about the Chinese; nor, much as we may love Scotchmen, are we willing, out of love, to give them from six to ten cents a yard more on the bagging they send us. As to the planter deducting only two pounds tare on a bale of cotton, when he sells it to the merchant—suppose he deducted none at all, and sold every ounce of bagging and bale rope as cotton, does not the merchant, who knows that he shall have to deduct the whole tare at Liverpool, allow for this, think you, in the price he gives the planter?

Mr. L. again deprecated so great and sudden a change in our internal policy, as the bill, unless modified, would produce. Shall we, said he, because a rock lies many miles ahead, put the ship about with all standing? No. Let us take time to clew up some of our sails first.

Money may be very plenty in Britain just now. The boys may be playing at chuck-farthing with guineas. But, to say that this is the effect of their protecting duties, won't do, when we know that, under the same duties, money has been almost as scarce there as with ourselves. Besides, those duties have been laid in Britain to encourage exportation. But, are we ready to export our manufactures? No, sir; our luxuriant soil, our multiplied harbors, point us out, by the hand of Nature herself, as an agricultural and a commercial nation. These must be our great national characteristics. Manufactures are a third interest, and a subordinate one. Manufacture if you can, but do not force the country into such a system as is fit for Britain. It would be pernicious, as well to the morals, as to all the fundamental interests of the United States.

Mr. **TOD** rose in reply. The gentleman from South Carolina (Mr. **HAMILTON**) had not gone far enough, when he said this bill would be resisted inch by inch—he should have said, half inch by half inch, and hair's breadth by hair's breadth. Here had the House been sitting and debating for ten days, on the very refined article of cotton bagging! Mr. T. produced a letter from a mercantile gentleman of intelligence at Sag Harbor, stating that the American hemp was there preferred to the Russian. The gentlemen from the cotton country, said Mr. T., resist the principle of a compromise of interests for the general good, and cry out, "we get nothing." When reminded of the duty on cotton, they say it was laid for revenue. For revenue! when not a bale of cotton was imported. They ask, Is it fair we of the South should pay three cents more duty on bagging? We ask, Is it fair that all the rest of the Union should pay the South three cents a pound on their sugar? They talk to us about their distresses too! Let us look at their distress. Mr. T. then produced a calculation, in a New Orleans paper, showing that the annual profit on every slave employed in the sugar plantations, was from five to seven hundred dollars. [Mr. **LIVINGSTON** denied having spoken of distress.] Well, said Mr. T., others did. But, in other parts of the Union, there does exist real distress. A proof of which is in this one fact—that the United States exports, at this day, notwithstanding all her increase in population and territory, less of the staple commodities of the country than she did in 1790. And of this amount, those five cotton growing States, that are now to be ruined—yes, ruined!—by a duty of three cents more on bagging, export more than the whole Union besides. The gentleman asks, Why don't we make the article better? The same question was asked us, when we asked for a duty on coarse cottons. We got the duty, and we made them better. Give us a duty on bagging, and we will make that better too. Gunpowder, coaches, saddles, boots, shoes, are all protected by duties of thirty and forty per cent.; and what is the consequence? We make them good—we make them cheap—and we begin to export them. Why? We have got the market. Give us the market for bagging, and that will follow suit. The duty in the bill, is the very duty recommended by the Secretary of the Treasury—himself a Southern man—who should know, at least, as much about the revenue as the gentlemen who cry out that it will be ruined—and as much about the interests of the South, as other Southern gentlemen As to the duty being prohibitory, I certainly did not mean that it would be so by any other force, any other compulsion, than that of interest and voluntary choice. But if, as the gentleman says, they will still import the articles, why, then it will help the revenue that they tell us is to be destroyed, and so it will only operate in favor of the bill. Gentlemen cry out about a tax on the Southern States! Let them look at the bounty on sugar. Louisiana now raises thirty millions of pounds, the protecting duty on which is nine hundred thousand dollars! more than the whole duty on bagging—

more, twice over, than is laid by that duty on the whole Southern country put together.

Mr. Letcher said, he was very sensible this was rather a dry argument, and by this time it was pretty nearly threadbare. The gentleman from Louisiana, who introduced the motion, he did not see in his place to-day. He presumed he had broken himself down by his exertion. That gentleman tried to convince the House that we could not make enough of the article. Being pretty well beaten off of that ground, his colleague had taken another, and had labored equally hard to convince the House that, if we did make enough, it would not be good enough. Of this subject, he presumed fact would be preferred to speculation—and he had a witness before him, just arrived from one of the factories concerned. It was a thread made out of the hemp now used for the bagging made at Lexington, and he wished that gentleman would be good enough to examine it. He entreated honorable gentlemen to consider the condition of the people of Kentucky. They had tried the raising of tobacco. They had carried it to Louisiana for a market, and had returned losers. They had tried the raising of corn; it was the same thing—of whiskey; the same thing. They can raise no one article that will return them a profit. As soon as there is a demand, so great is the competition, and so eager the desire to carry on a trade of almost any kind, that the market is glutted, and the price instantly falls. He defied the gentleman from Louisiana to point out one single article of those which Kentucky could supply, that had ever been scarce at New Orleans. The gentleman says he is in favor of the general principle of the bill—but he seems to oppose its provisions in detail. He puts me in mind of a debtor of whom I once heard, who, when applied to, to pay the interest of an old debt, said it was against his *principle* to do so—and, when asked, then, to pay the principal, replied, it was against his *interest*. If we apply to him to sanction the duty on bagging, he says it is against his *interest*; and, when we ask him to support the other parts of this bill, I expect he will tell us it is against his *principle;* so that, between his interest and his principles, I presume the bill will not get much support from him.

The first question is, Can this article be made in sufficient quantity? We have shown that it can. They then tell us, If we do give you the duty, you will only lose the market, for then it will be made in New York.

[Mr. Livingston explained.]

If, said Mr. L., enough can be raised, no matter where, then the plain question is, Whether it is better to make it ourselves, or to go to a foreign market to get it. And, while we ask this small protecting duty, we tell the gentleman that Kentucky can export nothing, to any profit, but her hemp. As to the bad quality of the article—when we had the whole of the market, during the late war, did we hear any complaint from the factories, that it injured the cotton? No, sir. These complaints come from abroad. They are Scotch complaints, in an English dress. But, granting that the article is not at present as good as could be desired—I ask, Will not this duty, by giving us our own market, induce competition among ourselves? It has done so in cotton, and while it has raised the quality, it has lowered the price.

Mr. Owen rose to explain a remark he had made as to the effect of an observation of a gentleman from Kentucky (Mr. Trimble.) He replied, again, to the argument respecting bagging selling at the price of cotton—and to that of the planter not being the exporter; and showed that the exporter being governed by the price allowed in the foreign market, it resulted in the same thing to the planter, as if he was the exporter himself. He retorted the charge of inconsistency.

Mr. Livingston explained, and repeated some of his former positions, and still insisted that, if, with a bounty of eighty dollars a ton, which is more than half the whole price, they had not raised hemp that the manufacturer would make use of, there was little prospect that they would in future. When the American manufacturer will consent to take our hemp at all, then a protecting duty may, with more propriety, be asked for. The argument from the effect of the duty on coarse cottons would not hold—because, when that duty was laid, the material was already of the very best quality, and the fabric was made almost wholly by machinery. He was sorry to find his declarations met with so little credit from the gentleman from Kentucky (Mr. Letcher;) his conduct, he trusted, would always show that he was not in the habit of making false declarations—he hoped that the gentleman's prophecy about an improvement in hemp would prove more correct than about *his* not supporting the general principle and provisions of this bill.

Mr. Clay was happy to hear such a declaration from the honorable member from Louisiana, and he was now about to put those declarations to the test. I, said Mr. C., am a hemp grower, (that is, at such times as the situation of the country and the regulations of Government render it possible, without loss.) The gentleman seems to believe that it is impossible, in this country, to make the article good. Sir, as nature delivers it to our hands, it is of as fine a quality as any in the world; it has no natural, inherent defect of any kind whatever. The only difficulty attends the treatment of it after it is cut down or pulled up, (for both modes are pursued.) It is then either dew-rotted or water-rotted. When it is to be dew-rotted, it is stacked till the month of December or January, and then spread under the snow till February—this is called dew-rotting. In the other process, the hemp is immersed in ponds or running streams, where some process goes on by which the glutinous part of the vegetable is dissolved, and when dry it is submitted to an operation called breaking. When thus prepared, the hemp of this country is, in all respects, equal to the Russian, and commands as high a price.

The gentleman from Massachusetts, on my right, (Mr. Lathrop,) tells me that he always water-rots his hemp. I have known in Kentucky entire crops to be water-rotted; and it may be done wherever hemp is raised, if we were only favored with the protection of Government to secure to us our own market.

The gentleman from Louisiana says that we have already a bounty of eighty dollars a ton, and yet the manufacturer will not take the hemp we raise. Does not the gentleman know that this observation applies only to the dew-rotted? And, besides, what is the bounty without any certainty of the market? A cargo of three or four hundred tons imported will destroy the market for a whole crop. If the gentleman doubts this, will he guaranty the market? The farmers of Kentucky have given this matter a sufficient trial; pressed by suffering at home, and lured by the flattering promises of hope, they have again and again ventured, and again and again they have been broken down by foreigners—by the serfs and boors of Russia. If adequate protection was given, the water-rotted hemp would speedily supersede the dew-rotted article, and all the hemp of the country would become good. But, even the dew-rotted hemp will answer every purpose for cotton bagging, provided the bales are not exposed to the wet. But the gentleman asks, with an air of triumph which I was sorry to witness, why don't you do it? If you can make a good bagging, why is bagging of your make always ten cents a yard below the imported? And he quotes from a price current, to show that ours is put down at half price. But what is the date of that paper? 1822. The very year in which the manufacture was languishing and almost destroyed, and in the latter part of which it began to revive. Yet he reiterates upon us the question, why don't you at once make it both cheap and good? Sir, we want to breathe. We are, in this respect, just born. Our factories are but eighteen months in being, and already they have reduced the Scotch price. The gentleman objects to the recent paper quoted by my honorable friend over the way, (Mr. SHARPE,) because the planters, he says, are all supplied, nothing is doing in the market, and the price is nominal merely. But, sir, I am in possession of another paper, only two or three days later than that quoted, and a different price is given, which shows that there is, at this time, some activity in the market. The majority of the planters may be supplied, but there are also provident men, who reserve their purchases till the market is lowest. When I left my home, which was at the time when the purchases are usually made, I saw letters from highly respectable men, which stated that the bagging of Kentucky (from one particular factory at Lexington) was then bringing a price equal to the Scotch article. Sir, we only ask you to let our manufactures exist *under hope*, and in eighteen months, my word for it, you will have bagging as good as the Scotch, in equal abundance, and at a less price.

Before I sit down, I must add a word or two in reply to a gentleman from New York, (Mr. HOGEBOOM,) who told us that the manufacturers of Dundee lived in a cold climate, bought their fuel, and brought their hemp from Dantzic, though they had nothing to give for it in exchange. Why, sir, though I do not in the least doubt that honorable member had fully convinced his own mind that this was so, did he know so little about trade as not to be aware that it was not the manufacturer, but the merchant who imports the material of British manufactures? And does he suppose that nothing goes from Britain up the Baltic, for the hemp and iron that come down the Baltic? I repeat what I before mentioned, that the Scotch manufacturer may afford to make a sacrifice for a time—that he may enjoy the monopoly in the end. But if that gentleman is really convinced that there must be a monopoly of this article somewhere, would he not rather give it to the American than to the Scotch manufacturer? I put it to his patriotism.

The gentleman from Louisiana says that this manufacture is in no need of protection, because we have been obliged to take our hands from it and employ them in other occupations. Sir, we have done so, it is true—lamentably true. We have tried the raising of tobacco; we have tried horses; we have tried hogs; we have tried hemp; the industry of the country roams from object to object, trying every thing, and alike in vain. We want protection—we ask this Government for protection—not against our brethren—not against other States, but against strangers.

Mr. TOD said, in reply to a remark respecting drawback, that this bill touched no drawback whatever. If the one and a half pence sterling allowed by the British Government on bagging is a drawback, this bill has nothing to do with it, and six cents will be the whole duty; and this is the very amount recommended by the Secretary of the Treasury, himself a Southern man.

Mr. COBB. I don't care who recommends it, I am opposed to it. The Secretary, however, means six cents on the running yard, not on the square yard.

Mr. TOD. Admit this; it is only equal to the raising of the duty from twenty to twenty-five per cent. Yet, surely, the Government would not be so short-sighted as to lay a duty on the running yard, which might at once be evaded by increasing the width of the goods.

Mr. CAMBRELENG. At the time the Secretary recommended six cents on the square yard, that sum differed very little from the ad valorem duty.

Mr. MCKIM. It is a bounty, and not a drawback, that Britain allows; it is, therefore, included by the 3d section of this bill, and the duty is ten cents, and not six.

The Committee then rose, on motion of Mr. MCDUFFIE, who expressed a desire to deliver his views more fully on the subject.

THURSDAY, February 26.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, VIZ:

To the House of Representatives of the United States:

I transmit, herewith, a report of the Secretary of War, containing the information called for by a resolution of the House of Representatives of the United States, passed on the fourth instant respecting any suit or suits, which have been, or are now, depending, in which the United States are interested, for the recovery of the Pea Patch.

JAMES MONROE.

February 24, 1824.

The Message was read and laid on the table.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives, of the 17th instant, I now transmit the report of the Secretary of the Navy, accompanied by statements, marked A and B, showing "the amount of money expended, in conformity with the provisions of the act, entitled "An act for the gradual increase of the Navy of the United States," approved April 29, 1816; and of the act to amend said act, approved 3d of March, 1821; also, the number of vessels built, or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made; and whether sufficient timber has been purchased, or contracted for, to build the vessels contemplated by the provisions of said acts."

JAMES MONROE.

Washington, *February* 25, 1824.

The Message was read and laid on the table.

The **Speaker** laid before the House a letter from the Postmaster General, transmitting "a statement exhibiting the amount of postage received, during the year 1822, at each post office in the United States and Territories thereof;" rendered in obedience to the resolution of this House, of the 11th of December last; which letter and statement were laid on the table.

Mr. **Campbell**, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Judah Alden, accompanied by a bill for his relief; which bill was read twice, and committed to the Committee of the Whole.

Mr. **Kent**, from the Committee for the District of Columbia, to which was referred a memorial of sundry inhabitants of the said District, reported "a bill to provide for the government of the District of Columbia;" which was read twice, and committed to a Committee of the Whole.

Mr. **Kent**, from the same committee, to which was referred a memorial upon the subject, reported a bill amendatory of the act, entitled "An act to incorporate the Provident Association of Clerks in the Civil Department of the Government of the United States, in the District of Columbia;" which was read twice, and committed to a Committee of the Whole.

Mr. **McKean**, from the Committee on the Post Office and Post Roads, made a report on the petition of Henry Lightner, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. **Breck**, by leave of the House, presented a memorial and remonstrance of the Chamber of Commerce of the city of Philadelphia, against the passage of the bill now pending before this House, to amend the several acts imposing duties on imports; which memorial was referred to the Committee of the whole House on the state of the Union to which the said bill is committed.

On motion of Mr. **Forsyth**, the Committee of Ways and Means were instructed to inquire into the expediency of reducing the annual appropriation for diplomatic intercourse.

On motion of Mr. **Reynolds**, the Committee of Claims were instructed to inquire into the expediency of allowing, by law, the value of three rifle-guns, pressed from Ica Robertson, Joseph Rosson, and Robert Tolar, during the late war.

On motion of Mr. **Reed**, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing John Perry, second, a Revolutionary soldier, on the pension list.

On motion of Mr. **Gurley**, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of granting to actual settlers, reported by the commissioners of the land office at St. Helena Courthouse, in the State of Louisiana, under the act of Congress, of the 3d March, 1819, a right of pre-emption to one section of land, including their improvements, in all cases where such settler is not entitled to said land as a donation, or by title derived from, or conferred by, the Government of the United States.

Resolved, That the same committee be instructed to inquire into the expediency of allowing to actual settlers, who, by the act of the 3d of March, 1819, were entitled to the right of pre-emption, further time for making payment for such lands, under the act aforesaid.

On motion of Mr. **Brent**, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the United States Attorney for the western district of Louisiana.

The resolution was opposed by Mr. **Cocke**.

Mr. **Brent** explained, and rejoined in defence of the resolution.

Mr. **Gurley** corroborated the statements of Mr. **Brent**, and the resolution was caried—ayes 87, noes 72.

Mr. **Owen** submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House, whether the tariff bill, now under consideration, will, in his opinion, if it passes into a law in its present shape, "simplify the collection of duties on imports;" and whether its operation will, without being "onerous to the community, tend to augment the revenue, prove salutary to commerce, and beneficial to the manufactures of the country;" and that the Clerk be directed to furnish the Secretary of the Treasury with a copy of the bill, as reported by the Committee on Manufactures.

The resolution was laid on the table, without debate.

THE TARIFF BILL.

The House having again resolved itself into a Committee of the Whole on the new Tariff bill, the question on striking out the duty on cotton bagging still pending,

Mr. **McDuffie** had the floor, but he yielded it, by courtesy, to

Mr. **Campbell**, of South Carolina, who opposed the duty in a short speech. He insisted that this duty was equal to a direct tax of two per cent. on all the Southern States, and equal to a bounty of one hundred dollars apiece to every laborer in Kentucky who was employed in the manufacture. The manufactures of Kentucky were stated to be, at present, in a state of activity; and, if that fertile State produced more than she could sell or consume, it was unfair to tax the Southern States on account of her fertility, &c.

Mr. **McDuffie** replied to some of the arguments that had been advanced in favor of the duty; urged the thriving condition of the Western States during the last war, when they fed the armies of the United States; insisted that their present distresses arose not from a want of protection, but from their banking system, and the rise in the value of specie. Cotton, he said, had been a subject of most disastrous speculation. A vast amount of capital had been vested in it when it was thirty cents a pound; now it was twelve cents. The Southern States had suffered as much as any part of the Union. All the articles of the tariff bore hard on those States. They were articles manufactured by Great Britain, and for which she takes the cotton of this country. If we cease to receive them, she will change her market for cotton. It is her fixed policy not to take raw materials from those who will not take her manufactures, and as soon as this bill passes she will force a trade with South America. There was a distinction between the sugar planters and cotton growers. Arguments applicable to one did not apply to the other. The Western States would lose their trade in live stock with the Southern States, as those States would now raise for themselves. If they have tried tobacco, and so many other articles, and still failed; if they, with their new and fertile soil, cannot compete in these things with the sterile and worn out fields of Carolina and Virginia, it proves there must be something wrong in their state of society; that evil was their banking system. They cry out for protection against the little towns of Inverness and Dundee, as if some army was invading them, because the poor Scotch weaver can work for sixpence a day. It was vain to compete, while the labor in Kentucky was four times as high as in Scotland. The Speaker cries out, Save us from the overwhelming influence of—what? Little Dundee. He would agree to protect wherever we can make within ten per cent. of the price of the foreign article, but not till then. He repeated his warnings on the subject of British retaliation, as he knew no article of a small amount where a duty was more directed to the very vitals of her polity than that on bagging.

He was succeeded by Mr. **Forward**, of Pennsylvania, who advocated the duty and repelled the argument which attributed the reduced price of coarse cottons to the amount of machinery employed in their fabrication. The same reduction had taken place in umbrellas, leather, hats, &c.. all which had a duty of thirty and forty per cent., and were immediately reduced in price, and are now articles of export. He challenged gentlemen to show a single article, under our present tariff, the material of which was in plenty, and the duty high, that had not at once been reduced to a mimimum price. He dwelt on the spirit of rivalry between the British factories and ours, and said that it had been stated on the floor of Parliament, that, if her goods were sold abroad at a sacrifice, Britain had an equivalent in the stifling of our manufactures. Gentlemen had spoken highly of Adam Smith. Did they remember that, in his famous book, he had one chapter expressly devoted to us, in which he congratulated his country on having stores among us, and doing our business in their shipping? Our manufactures were liable to be destroyed by foreigners, and never had succeeded till they got protection. Where was the proof that Britain would cease to take our cotton? Did she cease to take it, even when we laid our duty on coarse cottons themselves? She dare not do so. France is her rival in the cotton manufacture, and she must have the best. All the predictions now urged had been urged before, and none of them were fulfilled, but just the contrary had happened. He produced a letter from one of the Navy Commissioners, which says, that American hemp, when water-rotted, was as good as the Russian. Why don't you raise it then? This was just the question asked before the tariff of 1816, in relation to umbrellas, and shoes, and hats. Why don't you make them as cheap? The tariff had answered the question then, and it would answer it again.

Mr. **Warfield**, of Maryland, opposed the duty, and supported his objections by a calculation in figures, showing, as we understood him, that on the amount of cotton raised last year, (of 850,000 bales,) the proposed bill would lay a tax of forty-six and two-thirds per cent.; the result of which would be, that $111,000 would be paid by the American manufacturer, and $230,000 by the foreign.

Mr. **Govan**, of South Carolina, spoke for the first time. He opposed the duty in a short speech, in which he insisted that three millions of yards of bagging would be required for the consumption of the cotton growing States, for which they would have to pay Kentucky, under this duty, supposing it to be prohibitory, a million of dollars; and that she would take nothing from them, in exchange for her produce, but gold and silver.

Mr. **Wickliffe**, of Kentucky, resisted with warmth the implied charge of indolence, which he understood as cast upon the Kentucky population, by Mr. **McDuffie**. He retorted the charge respecting the bank policy, to which, he said, Kentucky had been invited by the example of other States. He insisted on the good quality of American hemp; and said, that there were eleven States that could engage in the growing of it. The sugar of Louisiana, at three cents, gained more than the whole amount of duty laid for bagging on all the Southern States put together. As to the trade of driving live stock, it had ruined almost all concerned in it.

The question was then taken, on Mr. **Brent's** motion to strike out the whole clause; and lost—ayes 94, noes 107.

Mr. **Buchanan** then renewed his motion to change the duty from six cents to four-and-a-half cents per square yard, which was agreed to—ayes 119.

Mr. P. P. **Barbour** then moved to strike out the clause laying a duty of twenty-five cents per bushel on imported wheat. He would submit a very few remarks to the Committee, in support of his motion. The bill seemed to proceed upon the principle of a compensation of equivalents, by affording to the respective interests of the country, their relative share of legislative protection. In relation to the article of wheat, he thought that a few plain considerations would satisfy the Committee, that a duty on importation would be wholly inefficient to the attainment of the end proposed; that it would present the appearance of aid to that description of agriculture, whilst, in practical operation, it would produce no substantial result. For his own part, he had never heard of more than about three cargoes of foreign wheat being imported into the United States; if he were incorrect in this, he would ask any member of the Committee to correct his mistake, by affording information on the subject.

The United States, then, are not an importing but an exporting country in relation to this article. Now, it must be a palpable principle of political economy (if he could venture to use that expression, which had incurred so much denunciation,) that a commodity which can successfully sustain a competition in the foreign market, not only without the aid of our duty on importation, which then cannot operate but with the disadvantage of the price of transportation, &c., cannot need that aid, as against the same foreign article in the home market, where ours would be relieved from these disadvantages, and the foreign one would be subject to them. The duty upon importation clearly can only effectually operate where the dutiable article is imported; but where, as in this case, it either is not imported at all, or in quantities utterly inconsiderable, it cannot afford any practical aid.

Gentlemen seem, on many occasions, to be desirous of imitating the British example, in its protecting system. Permit me to remind the Committee of the course pursued by that Government in relation to its agricultural interest, by means of its corn laws. Until about the year 1761, Great Britain was, in some degree, an exporting country of corn. At that time, they aided their agricultural interest by a bounty. Since the period stated, she has been mostly an importing country; and since this change in her situation, she has prohibited importation until wheat has risen to a given sum per quarter. The application which I propose to make of the example just stated, is this: that legislation, in relation to this subject, to produce any practical result, ought to be adapted to the situation and circumstances of the country. When the country is an importing one, then a duty upon importation is appropriate and effectual; but when, as is the case with us, the country is an exporting one, then a duty on importation is utterly inappropriate and inoperative; and, then, if you propose to give aid which shall be effectual, it should be by bounty, which will operate upon exportation. Considering, then, the situation of this country, that its character was that, not of an importing, but an exporting one; and that, consequently, the proposed duty was an apparent, not a substantial aid, he wished it to be stricken out, because he did not, on the part of his constituents, wish to have the form of protection, whilst, according to the view he had taken, they certainly had not the substance.

The Committee now rose and the House adjourned.

Friday, February 27.

Mr. **Whittlesey**, from the Committee of Claims, made an unfavorable report on the cases of Ica Robertson, Joseph Rosson, and Robert Tolar; which was laid on the table.

Mr. **Williams**, of North Carolina, from the same committee, to which was recommitted the bill for the relief of Daniel Carroll, of Duddington, and others, reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. **Webster**, from the Committee on the Judiciary, to which was referred the amendment proposed by the Senate to the bill, entitled "An act to repeal, in part, an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," reported their agreement to the said amendment; which was concurred in by the House.

Mr. **Sandford** moved the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of bringing in a bill to provide by law for all settlers on the public lands of the United States; or, where they have made any improvements thereon, and the sale of the public land, where improvements have been made as aforesaid, should take place after the first day of March in any year thereafter, the occupant shall have the right of holding his improvement for one year, or until the first of March next after the sale of said land.

The said resolution was read, and negatived by the House.

On motion of Mr. **O'Brien**, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a term of the district court of the United States in the town of Machias, in the State of Maine, and of raising the salary of the judge of said court.

On motion of Mr. **Warfield**, the Committee of Ways and Means were instructed to inquire into the expediency of providing by law for the payment of any balance due by the Government to the collectors of the internal revenue.

On motion of Mr. **McLean**, of Ohio, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of extending to Joseph Atset, a soldier engaged in the service of the United States, during the Revolutionary war, the provisions of an act of Congress, passed the 18th of March, 1818, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war;" and the several supplementary acts thereunto, passed 1st of May, 1820, and 3d of March, 1823.

On motion of Mr. OWEN, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation to compensate the friendly Creek Indians, for property lost and destroyed during the late Creek war.

Mr. FOOT, of Connecticut, by leave of the House, presented a memorial and remonstrance of the Chamber of Commerce of New Haven, in the State of Connecticut, against the passage of the bill now pending in this House, to amend the several acts imposing duties on imports.

The SPEAKER laid before the House a report of the Secretary of War on the memorial of Thomas Baldwin, which was laid on the table.

A motion was made by Mr. OWEN, that the House do now proceed to the consideration of the resolution submitted by him on the 19th instant, and which had been, subsequently, amended, and laid on the table.

And the question, Will the House now consider the said resolution? being taken, it was determined in the negative—yeas 59, nays 114, as follows:

YEAS—Messrs. Allen of Massachusetts, J. S. Barbour, Bartlett, Blair, Brent, Buck, Cambreleng, Cary, Cassedy, Cobb, Cocke, Crowninshield, Cushman, Forsyth, Garnett, Gist, Gurley, Hamilton, Harvey, Hayden, Herrick, Hobart, Hooks, Ingham, Isacks, Jennings, Kidder, Leftwich, Lincoln, Livermore, Livingston, Locke, McKee, McKim, Mitchell of Pennsylvania, Moore of Alabama, Neale, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reynolds, Rose, Sandford, Sharpe, Sibley, Arthur Smith, Alexander Smith, William Smith, Standefer, Thompson of Georgia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Warfield, Williams of New York, Williams of Virginia, and Wilson of South Carolina.

NAYS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Bailey, Baylies, Barber of Connecticut, P. P. Barbour, Bartley, Bassett, Beecher, Breck, Brown, Buchanan, Buckner, Burton, Campbell of South Carolina, Clark, Collins, Condict, Conner, Cook, Crafts, Craig, Culpeper, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Findlay, Floyd, Foote of New York, Forward, Garrison, Gatlin, Gazlay, Harris, Hayward, Hemphill, Henry, Herkimer, Hogeboom, Houston, Jenkins, J. T. Johnson, F. Johnson, Kent, Kremer, Lathrop, Lawrence, Lee, Litchfield, Little, Long, McArthur, McCoy, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reed, Richards, Rich, Rives, Rogers, Ross, Saunders, Scott, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole, on the bill to amend the several acts laying duties on imports. The pending question being on the motion of Mr. P. P. BARBOUR, to strike from the bill the proposed duty of twenty-five cents per bushel on wheat—

Mr. GARNETT, of Virginia, said such repeated claims to protection had been founded, by the manufacturers, on the encouragement supposed to have been given to agriculture, that it was the interest of the agriculturists, who knew this notion to be the merest fallacy in the world, to strike from the bill every item which purported to be for their benefit. With this view, he had moved the other day to strike out an item, on which, he supposed, at some future period, a pretext might be founded for saying a small portion of a small section of our country, namely, the fruit-growers of Florida, had been protected. Had he known at the time that the bill contained a proposition for a duty on wheat, (a circumstance that had escaped his notice, from his cursory perusal of it,) he should have struck at that game rather than the other, which was of inferior importance. It was fortunate, however, that he did not know it, as it was the means of the motion being made by his worthy colleague, who was much more able to sustain it.

This attempt to raise the price of wheat, Mr. G. observed, was one of the most remarkable examples of the progress of the American Legislature in the science of political economy which had ever been exhibited. If it was not for the respect which he entertained for the gentlemen who composed the Committee on Manufactures, he should really have supposed that the duty had been introduced merely *ad captandum*—to induce the agriculturists to compound for the certain evil contained in the bill for the promise of contingent good; but the respect he had for these gentlemen forbade the idea that they would endeavor to accomplish, by sleight of hand, by legerdemain, and management, what they could not effect by the force of reason and truth. And, indeed, as this idea of raising the price of grain was not the only extraordinary thing in the theory of political economy which they had adopted, he had no right to attribute to them any other motive than the ostensible one. It was remarked, said Mr. G., by one of the most distinguished writers of the present age, the celebrated Malthus, that, to know what we can do, and how to do it, is the most valuable species of information we can possess. The next is, to know what we cannot do, and why we cannot do it. It appeared to him that, in the present state of our legislation, the latter information was more desirable than the former; for, under the belief that we can do a good which we cannot do, we are about to do an evil which we certainly can do. Under the belief that we can protect agriculture, we are about to ruin it. He said under this belief, because it had been repeatedly avowed, in the course of the debate, by gentlemen, that they would not support the bill but from a conviction that its pressure on the different portions of the country, and several classes of the community, would be equal. If it could be made to appear that Congress could not efficiently protect agriculture, gentlemen would be bound, consistently with their own declarations, to withdraw their support from the bill—and that it could be made to appear, was unquestionable. He laid it down, as an incontrovertible position, that, with respect to all the great staples of agriculture, of which the country produced a sufficiency for home consumption, and a surplus to export, the price was regulated by that portion of it which went abroad. Suppose a cargo of foreign wheat comes to one of the ports of this country, whilst the American merchant is shipping domestic wheat to another country, and that it can be sold here cheaper than the domestic wheat: Will not the merchant purchase it in preference to the domestic wheat, and ship it instead? And why will he? Because, getting it cheaper, he makes a greater profit on it. But does not this prove that the owner himself may make the profit? Will he be stupid enough to permit the American merchant to make a profit which he can make himself? Will he not carry his wheat himself to the foreign market, and drive us out of that, before he comes in competition with us in our own? And will he not, to avoid additional expense, go thither directly, instead of touching at our ports? It is self-evident that he will, and, that the necessary condition of a competition with us in our own markets, will be, our previous exclusion from the foreign market. A few straggling cargoes that may come to this country, prove nothing to the contrary. The same was true of all the great staples of our agriculture—corn, tobacco, rice, cotton, &c. With respect to cotton, even if the duty could be added to the price, which was impossible, it would be only a tax on the manufacturer to the extent of his individual consumption. In the same way, it would be a tax on the cotton grower, who would pay back to the manufacturer the amount of the duty advanced to him on the raw article. Even with respect to sugar, and other agricultural commodities, the production of which was limited by climate or other causes, competition had a much more rapid effect in reducing prices, than it had in manufactures. Where the lands of the first quality had not all been brought into cultivation, there was no limit to the increase of the supply but the quantity of labor that could be applied. By clearing the land, and rendering it more arable, the facility of production was increased—the same labor could produce more. It was otherwise in manufactures. Additional labor could not permanently diminish prices, unless it was accompanied by improvement in skill, in machinery, by augmented capital, or by some other circumstance that facilitated production, and enabled the same labor to produce more, and these circumstances were generally of slow acquisition, never greatly exceeding the immediate wants of society. The reason why competition from mere additional labor could not permanently diminish the price of manufactures was, that, if a great supply should be thrown into the market, and thus sink the price below the cost of production, the commodity would cease to be produced; and, if this was continued for any length of time, the capital itself of the manufacturer would be destroyed. With land it was different. Mere labor, without additional skill, increased the facility of production. But even when an extraordinary supply reduced the price of its products below the cost of production, and a certain quantity of land thereby ceased to be cultivated, it was not like the capital of the manufacturer, destroyed, but might be recurred to again, whenever a diminished supply produced a new demand. There was, then, no justice in considering the protection to agriculture as an offset to that of manufactures. It must, necessarily, be partial and temporary. A protection to a small portion of the country, which burdened the rest, was no excuse for burdening the whole. It was most extraordinary to hear gentlemen contend that competition diminished the price of manufactures, but that competition increased the price of agricultural products. He should really like to hear by what ingenuity they explained these opposite and contradictory effects.

When gentlemen fly in the face of received maxims, sanctioned by the universal experience of mankind, they cannot expect, whatever confidence we may have in their opinions, that we shall receive them with implicit faith. When a statesman affirms that a measure will be followed by a consequence, he should be able to explain in what manner the cause and effect are connected with each other. He should be glad to hear some attempt to show in what manner the duty on wheat would raise the price. Until it was made, he should beg leave to differ with gentlemen. It was not by any legislative quackery—by any *hocus pocus* of law—that this effect could be produced. He hoped the agriculturists would unite to strike from this bill every thing that was pretended to be for their benefit. The gentleman from Georgia (Mr. Cobb) had very liberally, (or at least very wisely, for liberality implied sacrifice, and there was none,) offered to give his vote to take off the duty on cotton. He hoped we should strike out the duty on wheat, and that, by striking it out, we should show at least one thing; and that was, that we were not opposed to an entire prohibition of *soft corn*.

The affairs of the agriculturists of this country, said Mr. G., have reached a most eventful crisis. It behooved them to look well to consequences in future. Never had a set of men been so indifferent to their own interests, and never had men suffered more from their own folly. Though possessing a numerical superiority, they had, by their own injudicious policy, reared up classes hostile in their principles, and formidable in their strength. By the funding system they had created a moneyed capital—they had given these capitalists a bank to increase their profits. That portion of the capital which took the direction of manufactures had been increased by a system of protecting duties, and the manufacturers had now a direct influence in the House, altogether disproportionate to their numbers and importance. No doubt the considerations of public good which prompted their representatives to prosecute the prohibitory policy, were, in many instances, seconded by motives of individual interest. The manufacturers were not only indebted to the folly of the agriculturists, but to their own sagacity and industry. Nothing could exceed the zeal and activity with which they had promoted their objects. It was almost incredible. Among other means, they appeared to have organized a *corps* of writers—writers whose productions, to judge by the *quantity*, absolutely rivalled the effects of machinery. These literary machines *produced* vast supplies of pamphlets, which, containing a jumble of patriotic notions, partial statements, and fallacious reasoning, were circulated *gratis*—sent into the remotest corners of the country, by posts, pedlars, and other conveyances, and often fell into the hands of simple farmers, who, having no opportunity to hear the other side, were captivated with their specious statements, and often made converts to a system which would ruin them. He had been told of a gentleman in Virginia who last year sent a parcel of wool to the North to exchange for domestic cloth, and, when the cloth arrived, and the bale was opened, he found in it twelve copies of the Report of the Committee of Manufactures, a book of eighty or a hundred pages—no doubt thrown in *gratis*, to make up for the additional cost of the cloth; though (without intending to disparage the merits of the report, the writer of which he knew to be a man of abilities,) it might be questioned whether the receiver regarded the present in the same light with the donor.

But the agriculturists, many of them, were really interested in manufactures. The disbursement of money benefited the farmers in the neighborhood, and produced an appearance of prosperity, which had been relied on as an argument in favor of the system, though it was evident that this prosperity was at the expense of the great bulk of the agriculturists. This accounted for the petitions of agriculturists in favor of protecting duties, which some had considered as matter of surprise. If you were to build palaces instead of factories, and endow the occupants with revenues drawn from other quarters of the country, the disbursements would benefit the farmers, who were contiguous; palaces would become as popular as factories, and we should, no doubt, see your table loaded with petitions, portraying, in very pathetic language, the sufferings of the occupants. Whilst the manufacturers had been unremitting and indefatigable in their exertions, the agriculturists had been, generally, supine and inactive. They had, in some places organized societies, whose remonstrances had had a good effect. But those societies met occasionally only—apparently more to banquet than to do business. The zeal of a few was great, but the greater part of their members were indifferent to the political interests of agriculture. When they signed a remonstrance, they probably forgot it before it reached Congress. After discharging this task, they retired, reposing, in fancy at least, on the laurels of victory; and remained perfectly quiet, until a new tariff aroused them from their slumbers, and summoned them to a new remonstrance and another banquet. Agriculture and its interests are neglected and despised. Agriculture, the great source of our wealth, like the militia, the great bulwark of our defence, makes a figure in Fourth of July orations and toasts; but, like the militia, it is toasted, flattered, and despised. We are a despised people—of which our whole legislation is a proof—but there were minor proofs.

Four years ago, a new committee had been created, called the Committee on Agriculture. The circumstances of its creation proved, that it was not intended to devise ways and means for the positive encouragement of agriculture, but to protect its political interests from encroachment. The Committee on Manufactures had been separated from that of commerce; had reported a great tariff which had passed the House. The day after this bill passed, it was, that a gentleman from North Carolina moved to raise this new committee. The committee had been truly symbolical of the interest it represents. As the gentleman from New York, (Mr. Cambreleng,) had truly told the House, whilst the other committees had obtained spacious apartments in which to hold their deliberations, that on agriculture had never, until this session, had an apartment at all; but had been bandied about from one room to another, and sometimes indebted even to the Committee on Manufactures, their most deadly enemies, (he spoke of their principles,) for a place to sit in. And now they had a room, it was more like a dungeon than any thing else. It had a single window, looking towards some interior part of the building, into which the sun never darted a ray. This might be called a trifle—and a trifle it certainly was—but feathers show how the wind blows. This was not all. A majority of the committee were in favor of the protecting duty system, no doubt honestly, conscientiously. But, whilst the manufacturers were provided with a committee, to prepare, organize, and concentrate the means of attack, the agriculturists had no committee to prepare, organize, and concentrate the means of defence. He owed it to justice to say, that he had the best reason to believe, that the competition of the committee was purely the result of accident or inadvertence—and inadvertence to the concerns of agriculture, no one had a right to impute, as a fault, to another, for all were equally culpable. But, if it were any advantage at all to have a committee, it was one which the agriculturists were deprived of. It was now time for the agriculturists to change their conduct, if they did not wish to be driven to choose between the alternatives of ruin and resistance. But the Speaker had told us, that he had known several tariffs to pass through the House, accompanied, in every instance, with the predictions of ruin or resistance. But the predictions were not verified: no resistance had taken place. He asked the honorable Speaker, whether it was doing justice to his own liberality, to his own philanthropy, to use this language? Was it not cruel, was it not to taunt us, thus to extract from our patience, forbearance, and long suffering, an argument for putting them to a still severer trial? What! because the mechanical pressure has not yet depressed the spring to the point of re-action, shall it be increased? Because the degree of tension has not been sufficient to snap the chord, are further experiments to be made, in order to ascertain its strength? Political writers had frequently predicted, that the national debt of Great Britain would ruin the nation. Their predictions had not proved true—not that they were mistaken in supposing the national debt to be an evil: but that they had miscalculated the prodigious productive powers of the country, and its capacity to resist the evil. So the agriculturists of the South, in predicting that the unjust and oppressive system pursued towards them, would produce resistance, were not mistaken as to the ruinous effect of the system; but they had miscalculated their capacity of endurance, in comparison with their sense of suffering—they had underrated their attachment to the Union, compared with their ability to endure oppression. The Speaker would not undertake to deny, that the Southern States were in a ruinous condition. What was the cause? Vain and visionary philosophers had speculated on these causes. Some had ascribed them to slavery, some to climate, ardent spirits, tobacco, and to other fantastic causes; but we had always had these things, and had sometimes enjoyed very great prosperity; these, therefore, were not the causes. It was nothing more nor less than this: the taxation of the General Government did not leave us income enough to appropriate to the improvement of the soil. Our laws had made the profits of capital greater than the profits of land and labor. It was this that had driven our population into distant lands, reduced them to beggary, and spread desolation over the country. He admitted the influence of State legislation, and the refusal of foreigners to receive our agricultural products. But what was the instrument by which the State legislatures in the South had produced the greatest mischief? It was banks. And what gave rise to them? The General Government had created a moneyed interest in the Northern States. Banks were established for the benefit of the capitalist; and, when the Southern States adopted them, the argument was—at least he knew this to be the case as respected Virginia—that they were necessary to avoid being tributaries to the Northern banks. As regarded our exclusion from foreign markets, he conceded that it was in some degree owing to the general pacification in Europe, which had liberated a great deal of labor that had been then applied to agriculture; but it was also, in some measure, owing to our own policy. By our heavy duties, we augmented the price of foreign manufactures; diminished our consumption of them; thus compelled the manufacturers to turn agriculturists, and then complained that they would not receive our breadstuffs. Why, the true remedy for this was to reverse our system, to retrace our steps, to cheapen manufactures, increase their consumption, and thus to tempt agricultural labor to find more profitable employment. He had no sort of doubt, that if, by a diminution of price, or by increased means of purchasing, we could consume double the quantity of foreign manufactures, we should give a stimulus to manufacturing industry, which would attract agricultural labor from the poor lands to which it had been obliged to resort, for want of better employment, and thus, by diminishing the quantity of breadstuffs, which were produced at a very great cost, below the domestic consumption, compel foreign nations again to open their ports to us. After all, the General Government was the great *causa causans* of our distresses.

But the Speaker had said, that, while the South declared that it would be ruined with the tariff, other portions of the country asserted, with equal confidence, that they would be ruined without it, and that this was a Government in which the majority must govern. Supposing the latter assertion to be true, he asked whether one portion of the country had a right to save itself from ruin by ruining another? If the smallest member of the Confederacy would be ruined by a system of taxation, the Federal Government would have no right to adopt it; for, in order to preserve the political relation of the States, the Constitution in granting the power of taxation, even for the great purposes of the common defence and general welfare, had prescribed equality as the indispensable condition of its exercise. That this system would ruin the Southern States, he was prepared to show whenever the general question came to be discussed. The Southern States, said Mr. G., have been the victims of the policy of this Government ever since its commencement. They have borne nearly the whole burden of taxation. The funding, banking, protecting duty, and pension systems, had all fallen, in their operation, on the Southern States. I have read somewhere of an African Prince, who, whenever he wants to tax his subjects, takes a windy day, puts a cap lightly on his head, goes out of doors, and, in whatever direction the wind blows the cap, the people in that direction are taxed. It appears to me, that, from whatever quarter the wind blows, the cap of the General Government always comes to the South; whether it be from East, Northeast—(he had forgotten how to box the compass)—but, whether it be from East, or any other point, *northabout* to West, it was the same thing. We were first made acquainted with this fatal cap by a hurricane called *funding*. It was brought among us soon after by another, called a bank—in both instances, to the great sorrow of all, except those who *felt* that it was an ill wind that blows nobody any good. We are now again threatened with this unwelcome re-visitation from two terrible tornadoes—one from the East, called a tariff, and the other from the West, called internal improvement, which, meeting in the same point, from opposite directions, might, according to the laws of mechanical philosophy, keep the cap stationary, but a new impetus comes from the North, and again gives it its old due direction to the South. These chilling and blasting winds that have come among us, warmed by the genial heat of the South, have returned, spreading luxuriance and verdure over the country, fertilizing and fructifying the land. But, if they come now, they come in vain; the revivifying principle is gone, our sun is dimmed, our light is put out. The farmer of the South, like the silly sheep he shears, has suffered fleece after fleece to be taken from his back, until he has no longer a lock of wool left to gratify the avarice of his shearers; and he has now the melancholy prospect before him of being butchered and devoured, and that, too, without the usual privilege of being previously fattened. Because, like an old dray-horse, that now and then flings out his heels at his driver, to make a show of resistance, he occasionally grumbles or remonstrates, he has vainly thought himself free. A few cracks of the whip have generally quieted him; but if you come to lay the whip on his back—to apply the thong to his skin, I do not know whether he is quite prepared to stand this test of his humility. It is really necessary to put our shoulders to the wheel, unless we mean to submit without further struggle. The time is come when we must either "do or die." I have heard said, that this is the wisest Congress that has been assembled for many years. It *may* be so; but, if some of the propositions that are now before it, such as the project for internal improvement—for crusading in favor of universal emancipation, and last, though not least, for a new tariff, are adopted, it will not be the first Legislature I have known, whose acts, at least in my humble judgment, were in the inverse ratio of its reputed wisdom.

Mr. TAYLOR, of New York, then rose, and said, that, from the observations of gentlemen since the present debate commenced, a stranger might be led to conclude that some desperate plot was carrying on against the agriculture of this country, and some new principle started, in the legislative course pursued respecting it. But nothing was further from the fact. In the tariff of 1816, while articles for the use of the United States, articles calculated for the improvement of manufactures, and such as were intended to improve the mode of agriculture, were admitted duty free, wheat was charged with a duty of 15 per cent. ad valorem. At an average price of $1 50 per bushel, this 15 per cent. amounts to 22½ cents per bushel—within 2½ cents of that now proposed. This 2½ cents was added to the former duty, because that duty had not been found sufficient to prevent considerable importations of wheat from the Black Sea, but chiefly from Upper Canada. The principle on which the duty was laid, was to secure to the American agriculturist the whole of the American market. At its former amount it failed to do this, and therefore it had been raised to the present amount of 25 cents.

The gentleman from Virginia had not only represented the tariff as one great evil, but internal improvements as another. Now, how the gentlemen, many of whom were decided friends to the bill for internal improvements, could be enemies to this item, he did not understand. The object of the internal improvement bill, as it respected the agricultural interest, was to facilitate the access of the farmer's produce, to a market. The object of this provision is to secure him a market at his own door. Here Mr. T. stated the effect produced by the great canal of New York, in raising the comparative value of agricultural articles raised at a distance from market—(a bushel of wheat, at Rochester, was not worth more than a bushel of oats, within thirty miles of Albany; but the canal abolished this difference entirely; of crackers, made at Auburn, seven were now sold in New York for one cent.) He hoped the article would either be suffered to stand, or that the gentleman from Virginia would move an amendment, making wheat duty-free altogether.

Mr. CLAY rose, not to enter into the discussion, but to reply to the observations of the gentleman from Virginia, respecting the Committee on Agriculture. He said, that when he had placed at the head of that committee, a gentleman from New York, the largest agriculturist in this Union, (General Van Rensselaer,) a gentleman who had ploughed hundreds of acres where the gentleman from Virginia had ploughed one; when he had put on it other gentlemen who were either themselves agriculturists, or the decided friends of agriculture—above all, when the gentleman from Virginia, himself a host, was added to the committee—and, he might add, when the presiding officer of this House was one who had formerly ploughed hundreds of acres with his own hands, he did think the interests of agriculture were pretty well taken care of here. In the commencement of a session, the occupations of all the members could not be known at once—the presiding officer had to exercise a faculty which he had heard was peculiarly possessed in some parts of the United States, he had to guess a little in the appointment of committees—but he felt some doubt whether the gentleman from Virginia would have found it easy to make a better selection. That gentleman seemed to think there existed some general conspiracy against the interests of agriculture—if all who had petitioned for the tariff were to be considered as conspirators, the conspiracy was extensive indeed—(here Mr. C. enumerated seventeen States.) The whole State of New York *en masse* was in the plot, so was all Pennsylvania *en masse*—nay, there were conspirators even in Virginia;—the mischief seemed to extend throughout the Union—and, considering its extent, and the character of those concerned in it, the interests of agriculture must be in serious danger.

Mr. BAYLIES repelled the idea that the Committee on Manufactures were to be considered as deadly enemies to the Committee on Agriculture—nor were that part of the Agricultural Committee, who were in sentiment friendly to the tariff, at all inimical to agriculture or false to their trust. The two interests were inseparably connected, especially in the Eastern States. The prosperity of the manufactures of New England had enriched the farmers of New England.

Mr. GARNETT replied, that he had guarded his language when he uttered it, and had said that he believed the gentlemen were upright and sincere, but he thought, nevertheless, that their principles were, in their tendency, hostile to agrculture. As to the compliments of the honorable Speaker, the agricultural interest would have been much more indebted to him, if he had taken a few more members of the committee from South of the Potomac.

Mr. Clay again explained, as to the structure of the committee. The members were all either farmers, or persons decidedly attached to the farming interest. It was not always possible to observe latitudes, especially where the number of a committee consisted but of seven. Not one Western man had been put on it. The Committee on Manufactures, too, consisted almost entirely of farmers. Surely the gentleman from Virginia ought rather to suspect the soundness of his own views, than to set himself up as a standard, and arraign all who differed from him in sentiment. For himself, Mr. C. believed that the interests of agriculture would be prostrated, not if the bill did, but if it did not pass.

Mr. Tod, of Pennsylvania, (chairman of the Committee of Manufactures,) observed, that he had lived long enough to know, that not much was ever got by complaining—yet he thought he had some ground of complaint in what had fallen from the gentleman from Virginia. He had certainly attributed to the committee who reported the bill more sagacity than belonged to them—he seemed to think that they had laid this duty as a lure to attract folks—and he seemed determined to show that he understood trap, and would reject the bait as far as Virginia was concerned. If Virginia were only a wheat-raising State, this might be very magnanimous—but it happened that she exports double the value in tobacco, of all the flour and wheat not only exported from within her own bounds, but from all the rest of the Union beside. The amount of tobacco exported, (he spoke without book,) amounted to about six millions of dollars in a year. The gentleman, to show his contempt for the protection of this duty, says, take it away altogether—Virginia don't want it. But, if he wants to show his magnanimity and his contempt for protection, let him bring forward a proposition to allow tobacco, something that his constituents can understand, to be imported duty free. This bill only proposes to change the *ad valorem* to a specific duty, and what a bustle is created—what a trap is laid. Yet this is the only country in the civilized world that has not a specific duty on wheat. The amount imported, even seaward, is not so very small—three cargoes will probably amount to 20,000 bushels; so much of the market was lost to our farmers—and those that brought it made money by the importation. Now the gentleman contends that it is a rule of trade to buy where we can get cheapest—let him bring this principle home to the farmer. Let that gentleman ask the yeomanry of this country, whether we shall bring wheat from Dantzic because we can get it cheaper—they will soon answer him. Yet this would but fairly bring up and test the general principle of the bill with respect to manufactures—lead, wool, iron, are as plenty in this country, and as necessary in their place, as wheat, and why not as deserving of protection? The gentleman says, that the Committee on Agriculture should all be anti-manufacture men—and because they are not, he says they are enemies to agriculture; if so, it was certainly good generalship, to put them down in a dark place where they can do it no harm.

Mr. P. P. Barbour, of Virginia, rose to reply. He said he had not the least pretension to any thing like wit—it did not belong to him. Still less could he lay any claim to skill in trapping. Whether as trapper, or trappee, he desired to enter his protest against having any thing to do with it. He knew nothing about either trapping or tricking, but pursued a straightforward course as nearly as he could by a mathematical line of strict propriety. The honorable chairman of the Committee of Manufactures must have imagined for himself the idea which he had attributed to him, as he had never thought of imputing it to that committee. I said, and I still say, that this duty will not benefit the country. The gentleman has said that Virginia is a tobacco-growing country, and he has undertaken to give us a statement of the amount to which she exports that article, in which it is quite palpable that he spoke (as he said) without book.

[Here Mr. Tod explained, that he meant the six millions as the value of the whole export of that article in the Union.]

Sir, said Mr. B., it happens that that my native State is richer in almost every thing than in money. The great embarrassment under which she labors is the want of capital, from whence it happens that many of the merchants of Virginia are mere factors for the merchants of New York. The tobacco, which swells the nominal amount of the exports of Virginia, belongs, in fact, to the exports of North Carolina—because that State, as was very truly and very handsomely said the other day, is "iron bound," as respects her coast. I also am without book, yet I think I can come nearer, within two or three millions, at least, than the gentleman from Pennsylvania did. The finest tobacco raised in Virginia, (I speak of that grown on the South mountain, where it is said the soil is peculiarly adapted to the culture of that plant,) may bring $10, and possibly $12 per cwt.; other samples sell at $2 to $3. The fair average is about $5 the hundred, which is about five cents a pound. This, according to the gentleman's first statement, would require Virginia to produce one hundred and twenty millions of pounds of tobacco annually. But whatever it amount to, I have not introduced any proposition respecting it, and simply for this reason I wish to pursue the subject before us, in other words to stick to the text. Now, tobacco has nothing to do with our present discussion. Besides, the chief part of the tobacco raised in Virginia, is raised south of James river, and I reside north of that river. In my district the great staple is wheat; and in whatever affects that article, my constituents are immediately concerned. I rose with the purpose of showing that the proposed duty is inefficient as an encouragement to agriculture, and gives to it the form of protection without the reality.

Mr. **TRACY**, of New York, said, that although the duty now proposed might not, in the opinion of the honorable gentleman from Virginia, be of any service to that State, there were gentlemen on this floor who represented other districts of the Union, which grew far greater quantities of wheat than the district from which that gentleman came, and whose opinions were worthy of respect. He thought that no duty could be more reasonable than that now under discussion, (unless the bill had been intended for revenue.) He knew that the amount of wheat imported from the north and the south of Europe, from the Baltic and the Black sea, was not inconsiderable; but, had the gentleman from Virginia reflected a moment, he might have found one of the finest wheat countries in the world, immediately adjacent to the State of New York—a country from which wheat can be brought in abundance to compete in the same market with that of the gentleman's own district, and undersell him. To his personal knowledge, 5,000 bushels were imported by a single miller at Rochester the last year. It sold in Canada at from 38 to 45 cents the bushel—its transportation to Rochester cost from 15 to 20 cents, and it sold there at 70 and 75 cents a bushel, while that raised in the State of New York was selling at a dollar. It was floured at Rochester, and sent to New York to compete with the wheat from Virginia and Maryland. As soon as the great canal shall be finished to Lake Erie, another large district of Upper Canada will be brought into the field of competition, and its wheat will go to that city without a single rod of land transportation. For himself, he felt so entirely satisfied that the policy on which the present duty was founded was a correct policy, that he intended to move the adoption of a duty on imported flour. Of this article large quantities came in from Canada, and it was sold at Rochester at $2 a barrel, and he believed had, at one time, brought but $1 75, and this with a duty of 15 per cent. ad valorem. A single merchant, in Upper Canada, had sent to Oswego, last year, 3,000 barrels, and it went to New York for exportation. Was it sound policy thus to give away to strangers the benefit of those invaluable facilities which our own citizens had attained at so great a cost?

Mr. **MALLARY**, of Vermont, thought that if this duty was perfectly nugatory because of no use to Virginia, the distinguished gentleman from that State only wasted his great talents in an attempt to abolish it. Why not indulge the friends of the bill in an item that he owned could do no harm, and which they believed might be of essential benefit in other parts of the country? Must Virginia be the sole standard according to which every measure is to be tested? It had been shown that great quantities of the Canada wheat came down the New York canal. Now the people of New York made that canal for themselves and the citizens of their sister States, and not for the subjects of His Majesty—shall we let in foreigners to compete with our own citizens in our own agricultural staples, and this while the country is suffering for a market? Surely it is the duty of the Government to protect the country against such an intrusion.

Mr. **MARVIN**, of New York, (a member of the Committee on Manufactures) said, that since there had been some speculation as to the motives of the committee in putting this item in the bill, he would state the circumstances under which it was done. A meeting of highly respectable agriculturists was held in Queen's county, on Long Island, and resolutions were passed by them, recommending an increase of duty on several articles of agricultural production, and among others, the present article of wheat. And since the duty would, in the opinion of the committee, produce no injury, they thought it due to the citizens of that very respectable meeting, to comply thus far with their recommendation. Much wheat was imported last year—much more will be imported next. Before the great canal was begun, wheat was of the same value on both sides of Lake Ontario. When wheat was worth one dollar and twelve cents at Albany, at Rochester it was worth only fifty cents. The opening of the canal had raised it at once fifty cents. The price in Canada experienced an equal rise. Was it good policy to give this advantage to strangers and rivals, who had contributed nothing to the expense of the canal? If we lay this duty, while the wheat of our own citizens feels a rise of fifty cents, that of their competitors will get only twenty-five cents rise. And if they still prefer to use our canal, they will come into our market under that difference in our favor, and our revenue will at the same time be augmented.

Mr. **HAYDEN**, of New York, replied to Mr. **BARBOUR**, and stated that the quantity of flour imported was greater than that gentleman seemed to imagine. Nor was it brought over the lake, as he had suggested for milling merely. It was within his knowledge that a single individual, an enterprising merchant miller at Rochester, had imported the last season 4,697 bushels, the cost of which, including freight and storage, averaged sixty-three cents a bushel. The duties came to over ten cents, the cartage cost him two cents, making the total price to him seventy-five cents per bushel, while, at the same time, the American farmer was getting from a dollar to one dollar and fifteen cents the bushel. He stated these facts from a demi-official paper furnished him by the collector of the port of Genesee.

He did not doubt that, in ten years from this time, there would not be less imported into the single town of Rochester than 250,000 bushels. He then went into the following calculation to show the result:

250,000 bu. at $1, would pay for grinding	$25,000
The manuiacture and materials of the barrels, 50,000, at thirty cents - -	15,000
Freight on the canal, at fifty cents -	25,000
Tolls on the canal to State of N. York	25,000
	$90,000

So that, looking merely at the manufacturing interest of his own district, he should view the proposed duty as injurious; but, regarding the agricultural interest, he believed it would be very beneficial. He, therefore, felt some hesitation in determining how to vote, but rather thought he should consent to the duty for the general good. It must be remembered that this wheat, when secured, went to compete with that of the Southern States. To give some idea of this trade upon the frontier, he stated that the exports from Rochester, alone, during the last year, had amounted to upwards of a million of dollars.

Mr. Ross supported the propriety of the duty, and showed its operation in Ohio. He stated the embarrassments of the farmer in the interior, and the injury he would suffer, if foreign competition were superadded to his present want of a market; wheat had been sold in Ohio at eighteen cents a bushel; and he had known flour in Cincinnati to bring no more than $1 75.

Mr. Webster, of Massachusetts, said that it was necessary, on this subject, to legislate with great deliberation, and examine the probable effect of measures proposed for adoption. Imported wheat now pays fifteen per cent., ad valorem. New York exports great quantities of the article; to facilitate its transportation, she has, at vast expense, constructed a general canal. The inhabitants of Canada, finding this the most direct route to the ocean, come the same way. To meet the expense of that great public work, a large amount of tolls is required. The Canadians are glad to pay these, in addition to the fifteen per cent. duty. Now, he should certainly conceive that a transit trade of this description would be highly beneficial to the State of New York, while the duty paid upon it would, at the same time, aid the Treasury of the United States. The wheat is brought into the State, not for consumption, but for exportation. The consumption is in a foreign market. The New York wheat growers would not have that market, by denying their canal to the Canadian wheat grower. The Canadian wheat would still reach the same market, by way of the St. Lawrence, at perhaps a small addition of expense on the transportation. By admitting it, the State of New York not only gains the toll and storage, but the manufacturing of it into flour, and the shipping of it to a foreign market. The United States Treasury, the State Treasury, and the manufacturing and commercial interests, were all gainers by its transit.

Mr. Ingham, of Pennsylvania, said that the argument of the gentleman from Massachusetts had put the question on a new ground. The question now presented to us, was, whether the United States will promote the cultivation of its own territory, or of the territory of Upper Canada? He proposes to admit the citizens of Canada to an equal participation with ourselves in all our facilities for trade, while our citizens are kept out of Canada by laws that meet and prohibit them at every step. The natural advantages of the two banks of the St. Lawrence are nearly the same; the inducement for settlement on the one in preference to the other, will depend chiefly on the regulations of the respective Governments; and, important as are the interests of manufactures, the improvement of our land is still more important.

The honorable gentleman from Virginia disregards this duty, and is willing at once to give it up. If there were no existing duty, this might seem very magnanimous; but what does the gentleman give up? A duty of 2½ cents, in addition to 22½ already laid. This is all that he would give up, supposing ever so much wheat to be imported; but he tells us there is none imported, or next to none; he therefore gives up nothing, or next to nothing. The gentleman refuses a proposal to take off the duty on tobacco, because other States, besides Virginia, are interested in raising it; but, are not other States concerned in raising wheat, too? Virginia has not the exclusive dominion over the growing of wheat; and could she look beyond her own boundary for any thing else than political power, she might have discovered that her neighbors have some interest in such a duty, if she has none. The gentleman from Massachusetts speaks of transit tolls, and of mercantile commissions; but these are trifling compensations for facilitating to our own market abroad the access of our agricultural rivals. Will you, by facilities like these, encourage the settlement of the territories of a (hostile I must not say, but of at least a) foreign Power?

Mr. Vance, of Ohio, said that he was, unhappily, able to speak from personal experience on this subject. He knew, for he had felt the existence and operation of Canadian rivalry. He had shipped large quantities of flour and pork, and when he got to a market, had been there put down by the competition of Canadian shippers. The whole of the military posts of the United States, on the northwest of the Ohio, had been supplied almost exclusively by the people of Upper Canada. The gentleman from Massachusetts says that this flour is not for American consumption; and he is therefore willing to strike out the duty. But it is a fact that the British Government have for years past supplied the American Army with all its flour. When I took flour to the posts, hoping to find for it an American market, I found that the contractor uniformly drew his supplies from my neighbors on the other side of the lines. Upper Canada is in this respect a much more formidable rival to the United States than gentlemen seem to conceive. It is now, and will be more and more so, one of the greatest wheat growing countries in the world.

Mr. Buchanan, of Pennsylvania, spoke in favor of the duty. Let the Canadian grain growers go down their own river. While our own farmers are struggling for a market, shall we bring strangers into that market on a cheaper footing than they could otherwise get there, by the use of our facilities? Europe is now in profound peace; she can grow wheat enough for her own consumption, and that of her dependencies; she may soon go farther, and seek to get the supplying of us. Let us anticipate such an idea, and meet them with a duty at our threshold.

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